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GENERAL COMMITTEE
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at 10 a.m.
New York

SUMMARY RECORD OF THE 1st MEETING

Chairman: Mr. ESSY
(President of the General Assembly)

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ORGANIZATION OF THE FORTY-NINTH REGULAR SESSION OF THE GENERAL ASSEMBLY, ADOPTION OF THE AGENDA AND ALLOCATION OF ITEMS: MEMORANDUM BY THE SECRETARY-GENERAL

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The meeting was called to order at 10.35 a.m.

ORGANIZATION OF THE FORTY-NINTH REGULAR SESSION OF THE GENERAL ASSEMBLY, ADOPTION OF THE AGENDA AND ALLOCATION OF ITEMS: MEMORANDUM BY THE SECRETARY-GENERAL (A/BUR/49/1 and Add.1)

1. The CHAIRMAN drew the Committee's attention to the fact that, in accordance with General Assembly resolution 47/233, the Fourth Committee (Special Political and Decolonization Committee) should be listed after the First Committee.

Section I. Introduction

2. The Committee decided to draw the General Assembly's attention to the provisions reproduced in annexes V, VI, VII and VIII of its rules of procedure. It also took note of paragraph 4 of the Secretary-General's memorandum.

Section II. Organization of the session

Paragraph 5 (General Committee)

3. The Committee took note of paragraph 5 of the Secretary-General's memorandum.

Paragraphs 6 to 9 (Rationalization of work)

4. The Committee took note of paragraphs 6, 7 and 9, and decided to draw the General Assembly's attention to paragraph 8 of the Secretary-General's memorandum.

Paragraph 10 (Closing date of the session)

5. The Committee decided to recommend to the General Assembly that the Assembly should recess no later than 20 December 1994 and close on 18 September 1995, and also that all the Main Committees should start their work as soon as possible and make every effort to complete their work by 2 December 1994.

Paragraphs 11 to 13 (Schedule of meetings)

6. The Committee decided to recommend to the General Assembly that morning meetings should start at 10 a.m. for all plenary meetings and meetings of the Main Committees. The Committee also decided to recommend to the Assembly that, as a cost-saving measure, every effort should be made to ensure that plenary meetings and meetings of the Main Committees adjourned by 6 p.m.

7. The CHAIRMAN noted that the above measures would not apply to plenary meetings during the general debate.

8. The Committee also decided to recommend that, in order to avoid the late start of meetings, the General Assembly should waive the quorum requirements for plenary meetings and meetings of the Main Committees.

9. The CHAIRMAN strongly endorsed the suggestions made at previous sessions that each delegation should designate someone to be present at the scheduled meeting time. Some progress had been reported in that respect, but there was still considerable room for improvement.

Paragraphs 14 to 16 (General debate)

10. The Committee endorsed the suggestions contained in paragraphs 14 and 15 of the Secretary-General's memorandum.

11. The CHAIRMAN urged representatives, in view of the large number of delegations already inscribed on the list of speakers for the general debate in the General Assembly, to speak in the order in which they were listed. Those unable to speak at the scheduled time would be put at the end of the list for the same day.

12. The Committee decided to draw the General Assembly's attention to decisions taken by the Assembly at previous sessions, prohibiting the practice of expressing congratulations inside the Assembly Hall itself. In that connection, the Committee also decided to recommend to the Assembly that speakers in the general debate should be asked to exit the Assembly Hall through room GA-200, located behind the podium, before returning to their seats.

Paragraphs 17 to 19 (Explanations of vote, right of reply, points of order and length of statements)

13. The Committee decided to draw the General Assembly's attention to paragraphs 6, 7 and 8 of its decision 34/401 and to rules 72 and 114 of the rules of procedure and paragraph 22 of annex VI thereto, for appropriate action to be taken by the Assembly in plenary meetings and by the Main Committees. It further decided to recommend to the Assembly that points of order should be limited to 5 minutes.

Paragraph 20 (Records of meetings)

14. The Committee decided to take note of paragraph 20 of the Secretary-General's memorandum and, in that connection, decided to recommend to the General Assembly that the practice of not reproducing in extenso statements made in a Main Committee should be maintained for the forty-ninth session.

Paragraph 22 (Concluding statements)

15. The Committee decided to draw the General Assembly's attention to the need for full implementation of paragraph 17 of General Assembly decision 34/401.

Paragraphs 23 to 26 (Resolutions)

16. The Committee decided to draw the General Assembly's attention to paragraph 32 of its decision 34/401, to recommendation 3 (f) of the Group of High-level Intergovernmental Experts, to paragraph 5 of its resolution 48/264 and to paragraphs 1 and 10 of the annex to its resolution 45/45.

Paragraphs 27 to 29 (Documentation)

17. The Committee decided to draw the General Assembly's attention to paragraph 28 of its decision 34/401 and to paragraph 6 of its resolution 48/264. The Committee also decided to take note of the recommendations contained in paragraph 29 of the Secretary-General's memorandum.

Paragraphs 30 to 33 (Questions related to the programme budget)

18. The Committee decided to draw the General Assembly's attention to the provisions reproduced in paragraphs 30 and 31 and the observations contained in paragraphs 32 and 33 of the Secretary-General's memorandum.

Paragraphs 34 and 35 (Observances and commemorative meetings)

19. The Committee endorsed the suggestions contained in paragraphs 34 and 35 of the Secretary-General's memorandum.

Paragraphs 36 and 37 (Special conferences)

20. The Committee decided to draw the General Assembly's attention to the recommendations referred to in paragraphs 36 and 37 of the Secretary-General's memorandum.

Paragraph 38 (Meetings of subsidiary organs)

21. The CHAIRMAN drew attention to a letter dated 31 August 1994 from the Chairman of the Committee on Conferences to the President of the General Assembly (A/49/351) informing him that the Committee had recommended, on the strict understanding that meetings would have to be accommodated within available facilities and services, that a number of subsidiary organs should be authorized to meet during the forty-ninth session.

22. The Committee decided to recommend that the General Assembly should authorize the subsidiary organs of the Assembly referred to in paragraph 38 of the Secretary-General's memorandum to meet during the forty-ninth session.

Section III. Observations and proposals on the organization of future sessions of the General Assembly

Paragraphs 39 to 41

23. The Committee took note of paragraphs 39 and 40 and endorsed the suggestion contained in paragraph 41 of the Secretary-General's memorandum.

Section IV. Adoption of the agenda

24. The CHAIRMAN said that, in accordance with rule 40 of the rules of procedure, the Committee would not consider the substance of any item except in so far as it bore on the question of whether or not to recommend the inclusion of that item in the agenda.

25. He also drew the Committee's attention to the suggestions in paragraph 43 of the Secretary-General's memorandum, and in particular the suggestion that in accordance with paragraphs 4 and 5 (a) and (c) of annex I to General Assembly resolution 48/264, the agenda of the General Assembly should be reviewed periodically in order to ascertain whether it was possible to delete any item on which no resolution or decision had been adopted for a period of time.

26. The Committee decided to take note of paragraph 43 of the Secretary-General's memorandum.

27. The CHAIRMAN drew attention to paragraph 44 of the memorandum, in which the Secretary-General suggested that the wording of item 115 of the draft agenda (Personnel questions) should be changed to reflect the breadth of the issues involved under that item.

28. The Committee endorsed the suggestion in paragraph 44 of the Secretary-General's memorandum.

Inclusion of items

Items 1 to 6

29. The CHAIRMAN said that items 1 to 6 had already been dealt with; he would therefore take it that there were no comments on their inclusion in the agenda.

Items 7 to 25

30. The Committee decided to recommend that the General Assembly should include items 7 to 25 in the agenda.

Item 26

31. Mr. SIDOROV (Russian Federation) said that his delegation did not consider it advisable to retain the item in the Assembly's agenda. It should be noted that an agreement on the orderly and complete withdrawal of Russian troops from the territories of the Baltic States had not only been concluded, as called for in General Assembly resolution 48/18, but fully carried out by his country. Bilateral agreements had been concluded with Estonia, concerning the shutdown of the submarine training site in Paldiski, and with Latvia, concerning the legal status of the Skrunda anti-ballistic missile early warning station during the period of its functioning and dismantling. Several days earlier, at a meeting of senior officials of the Conference on Security and Cooperation in Europe (CSCE), it had been noted with satisfaction that the Russian Federation had complied with its obligation in withdrawing its troops from the Baltic States,

(Mr. Sidorov, Russian Federation)

and the relevant item had been deleted from the agenda of CSCE. His delegation believed that it would be logical for the Committee to adopt a similar approach.

32. At the invitation of the Chairman, Mr. Slokenbergs (Latvia) took a place at the Committee table.

33. Mr. SLOKENBERGS (Latvia), speaking on behalf of the Baltic States, said that the delegations on whose behalf he spoke were concerned at the initiative taken by the Russian Federation to raise the issue of the inclusion of the item in the Assembly's agenda. The Baltic States welcomed the recent withdrawal of Russian Federation troops from the territories of Estonia and Latvia. General Assembly resolutions 47/21 and 48/18, which called for the conclusion of agreements between Estonia, Latvia and the Russian Federation on the matter, had made a significant contribution to the achievement of that goal and had also constituted an example of successful preventive diplomacy. Bearing in mind the significance of the withdrawal, not only for the countries concerned but for European security as a whole, the Baltic States strongly felt that the event should be noted in a proper manner by the General Assembly. Moreover, a report by the Secretary-General on the issue was awaited pursuant to General Assembly resolution 48/18.

34. Mr. ORDZHONIKIDZE (Russian Federation) said that his delegation did not intend the matter to be put to a vote.

35. The Committee decided to recommend that the General Assembly should include item 26 in the agenda.

36. Mr. Slokenbergs (Latvia) withdrew.

Items 27 to 35

37. The Committee decided to recommend that the General Assembly should include items 27 to 35 in the agenda.

Item 36

38. The Committee decided to recommend that the General Assembly should include item 36 in the agenda.

Items 37 to 44

39. The Committee decided to recommend that the General Assembly should include items 37 to 44 in the agenda.

Item 45

40. The Committee decided to recommend that the General Assembly should include item 45 in the agenda.

Item 46

41. The Committee decided to recommend that the General Assembly should include item 46 in the agenda.

Item 47

42. The Committee decided to recommend that the General Assembly should include item 47 in the agenda.

Item 48

43. The Committee decided to recommend that the General Assembly should include item 48 in the agenda.

Item 49

44. The Committee decided to recommend that the General Assembly should include item 49 in the agenda.

Item 50

45. The Committee decided to recommend that the General Assembly should include item 50 in the agenda.

Item 51

46. The Committee decided to recommend that the General Assembly should include item 51 in the agenda.

Item 52

47. The Committee decided to recommend that the General Assembly should include item 52 in the agenda.

Items 53 to 64

48. The Committee decided to recommend that the General Assembly should include items 53 to 64 in the agenda.

Item 65

49. Mr. ABDELLAH (Tunisia), speaking on behalf of the Arab States, said that they were currently conducting a review of the text of the draft resolution on Israeli nuclear armament and had begun consultation in that respect with interested groups and countries.

50. The Committee decided to recommend that the General Assembly should include item 65 in the agenda.

Items 66 to 73

51. The Committee decided to recommend that the General Assembly should include items 66 to 73 in the agenda.

Items 74 to 84

52. The Committee decided to recommend that the General Assembly should include items 74 to 84 in the agenda.

Item 85

53. The Committee decided to recommend that the General Assembly should include item 85 in the agenda.

54. Mr. ABDELLAH (Tunisia), supported by Mr. TEIRLINCK (Belgium), said that, after consultation with the representatives of France and Madagascar, his delegation wished to recommend that consideration of item 85, the question of the Malagasy islands of Glorieuses, Juan de Nova, Europa and Bassas da India, should be deferred until the fiftieth session of the General Assembly, without prejudice to the position of the two countries on that question.

55. The Committee decided to recommend that consideration of the item should be deferred to the fiftieth session of the General Assembly and included in the provisional agenda of that session.

Item 86

56. Mr. LEGAL (France) drew attention to the Secretary-General's progress report on the question of East Timor (A/49/391), in which he expressed the view that an improved atmosphere had been achieved in the dialogue between the Governments of Portugal and Indonesia and that the parties had agreed on a number of confidence-building measures. In view of the fact that the Secretary-General intended to assist the two Governments in identifying a series of issues for consideration by them in advance of the next round of talks, scheduled to be held at Geneva in January 1995, his delegation proposed that the General Committee should recommend to the General Assembly deferment of item 86 until its fiftieth session.

57. Mr. ABDELLAH (Tunisia), supporting their proposal, said that the considerable progress achieved in the current negotiations being held under the auspices of the Secretary-General gave hope that a just, global and internationally acceptable solution to the problem would be found.

58. The Committee decided to recommend that the consideration of item 86 should be deferred to the fiftieth session of the General Assembly and included in the provisional agenda of that session.

Item 87

59. The Committee decided to recommend that the General Assembly should include item 87 in the agenda.

Item 88

60. The Committee decided to recommend that the General Assembly should include item 88 in the agenda.

Item 89

61. The Committee decided to recommend that the General Assembly should include item 89 in the agenda.

Item 90

62. Mr. MARKER (Pakistan) said that in view of the importance of the International Conference on Population and Development and in keeping with General Assembly resolution 48/186, his delegation was proposing that sub-item 90 (c) on the report of the International Conference on Population and Development should become a separate agenda item. That report deserved the same consideration as the report of the United Nations Conference on Environment and Development had received. Like the latter report, the report of the International Conference on Population and Development should be debated in plenary and action thereon should be taken in the Second Committee.

63. Mr. DELACROIX (France), speaking on behalf of the European Union, agreed that the report of the International Conference on Population and Development should become a separate item.

64. The Committee decided to recommend to the General Assembly that sub-item (c) of agenda item 90 should become a separate agenda item and that agenda item 90 and former item 90 (c) should be included in the agenda of the forty-ninth session.

Items 91 to 94

65. The Committee decided to recommend that the General Assembly should include items 91 to 94 in the agenda.

Items 95 to 102

66. Mr. YASSIN (Sudan) said that his delegation was opposed to the inclusion of item 102 (c), "Human rights situations and reports of Special Rapporteurs and representatives", as it was an item which in appearance dealt with human rights, but in reality had political designs aimed at intervening in the internal affairs of certain States. It was a political issue that pitted certain States against others and should therefore be removed from the agenda of the current session of the General Assembly.

67. Mr. SUCHARIPA (Austria) said that as that sub-item had traditionally been on the agenda of the Assembly and reflected progress which had been made in the field of human rights over the past few years, his delegation would not be in a position to agree to its deletion.

68. Mr. ORDZHONIKIDZE (Russian Federation) said that his delegation also believed that the sub-item, which was an important component of the United Nations activities in defence of human rights, should be kept on the agenda.

69. Mr. MWAUNGULU (Malawi) said that his country, which had just emerged from a situation of extreme violation of human rights, believed that the issue of human rights was fundamental. Malawi's struggle to transform itself into a democracy had benefited considerably from the work of the United Nations and the Centre for Human Rights in that field. His Government, which was committed to the upholding of human rights, was therefore strongly opposed to the deletion of that sub-item from the agenda of the forty-ninth session of the General Assembly.

70. The Committee decided to recommend that the General Assembly should include items 95 to 102 in the agenda.

Item 103

71. Ms. FLORES (Uruguay) said that her delegation wished to propose that the title of item 103 should be changed to "Promotion and protection of the rights of children". The situation of children in difficult circumstances, especially children affected by armed conflict, had been the subject of an initiative by the President of Uruguay at the forty-eighth session which had been supported by a broad group of countries. The new title of the item would help refocus consideration of the main aspects of the subject in a global manner within the Third Committee.

72. The CHAIRMAN said that the representative of Germany had asked to participate in the discussion of the item. Rule 43 of the rules of procedure did not apply. He took it that the Committee wished to accede to the request.

73. At the invitation of the Chairman, Mr. Hellbeck (Germany) took a place at the Committee table.

74. Mr. HELLBECK (Germany), speaking on behalf of the European Union, said that the European Union strongly supported the Uruguayan initiative for the same reasons as those given by the representative of Uruguay.

75. The Committee decided to recommend that the General Assembly should include item 103 in the agenda.

76. Mr. Hellbeck (Germany) withdrew.

Items 104 to 109

77. The Committee decided to recommend that the General Assembly should include items 104 to 109 in the agend

Item 110

78. Mr. TEIRLINK (Belgium), speaking as Chairman of the Fifth Committee, recalled that the Committee for Programme and Coordination, at its t irty-fourth session in August-September 1994, had requested the Chairmen of the Main Committees to ensure that the review of the medium-term plan took place before the item was taken up by the Fifth Committee at the end of October. He intended to send a letter to that effect to the Chairmen of all the Main Committees before the end of the week.

79. The Committee decided to recommend that the General Assembly should include item 110 in the agenda.

Items 111 to 148

80. The Committee decided to recommend that the General Assembly should include items 111 to 148 in the agenda.

Item 149

81. The CHAIRMAN said that the inclusion of item 149 had been proposed by the Secretary-General in document A/49/141.

82. The Committee decided to recommend that the General Assembly should include item 149 in the agenda.

Item 150

83. The CHAIRMAN said that the inclusion of item 150 had been proposed by Croatia in document A/49/142. The representative of Croatia had asked to participate in the discussion of item 150 in accordance with rule 43 of the rules of procedure.

84. At the invitation of the Chairman, Mr. Nobilo (Croatia) took a place at the Committee table.

85. Mr. NOBILO (Croatia) said that Croatia considered that the urgent and peaceful resolution of the crisis in the territory of the former Yugoslavia was of the utmost priority. For the Republic of Croatia, further prolongation of the status quo meant de facto occupation of one third of its sovereign territory, which made it impossible to stabilize the country and pursue development. That occupation also violated the basic principle on which the world order was established, namely, that no country could by force change the

(Mr. Nobilo, Croatia)

internationally recognized borders of another sovereign country. Territorial gains achieved by force could not be accepted and approved by the international community since they violated the founding principles embodied in the Charter and set a very dangerous precedent for the future.

86. In that context, his Government had submitted to the General Assembly a proposal to discuss extensively the situation in Croatia's occupied territories; it hoped that the discussion would lay a broader political foundation for the peaceful solution of the problem. The explanatory memorandum (A/49/142) gave the factual background of the situation. His Government respected the full complexity of the crisis in the territory of the former Yugoslavia and greatly appreciated the efforts that the international community had made to find viable solutions. In submitting the proposal, it was seeking broad political support from the international community in search of a lasting and just political solution compatible with the existing efforts of the international community.

87. The submission of the document had been approved by the member States of the Central European Initiative at the annual summit of their heads of Government held at Trieste in July 1994, and had the support of a very large majority of United Nations Member States.

88. Mr. DELACROIX (France) said that his delegation was not opposed to the recommendation to include the new item because it understood the legitimate concerns of the Government of the Republic of Croatia. However, it noted that the item was currently being considered by the Security Council and that therefore, in accordance with Article 12 of the Charter, the General Assembly had no role to play in the matter. If the Croatian delegation had agreed to change the wording of the item, as requested by the European Union, the objection would not have had to be made. In referring to areas under Serb control as "occupied territories", the Croatian delegation was not serving its cause or that of the proper functioning of institutions of the United Nations.

89. Ms. WILMSHURST (United Kingdom) said that her delegation was in favour of the inclusion of item 150 in the agenda but felt that the wording of the title was inappropriate.

90. Mr. BIEGMAN (Netherlands) said that his delegation was in favour of including item 150 in the agenda. The exact wording might not have been the preference of all delegations, but his delegation felt that it was up to Croatia to judge the situation in its own territory, and would not ask for a change in the wording of the title.

91. Mr. SUCHARIPA (Austria) said that his delegation supported the inclusion of item 150 in the agenda. He pointed out that at the latest meeting of the Central European Initiative at Trieste, the necessary support had been given to the Croatian initiative.

92. Mr. VILCHEZ ASHER (Nicaragua), Mr. YASSIN (Sudan) and Mr. ABDELLAH (Tunisia) said that they supported the inclusion of item 150 in the agenda.

93. Mr. SIDOROV (Russian Federation) said that, in his delegation's view, the title of the item proposed by the representative of Croatia did not correctly reflect the situation in Croatia, and the word "occupied territories" was not applicable to the problem. The question of the situation of United Nations protected areas, including the so-called "pink zones", was under consideration by the Security Council. It would therefore be contrary to Article 12 of the Charter for the question to be taken up by the General Assembly.

94. The Committee decided to recommend that the General Assembly should include item 150, as orally amended, in the agenda.

Item 151

95. The CHAIRMAN said that item 151 had been included pursuant to resolution 827 (1993) of the Security Council.

96. The Committee decided to recommend that the General Assembly should include item 151 in the agenda.

Item 152

97. The CHAIRMAN said that item 152 had been proposed by the Russian Federation in document A/49/143.

98. Mr. SIDOROV (Russian Federation) said that his delegation proposed the inclusion of item 152, for the reasons set forth in document A/49/143: all States Members of the United Nations should observe broadly and solemnly the fiftieth anniversary of the end of the Second World War and that in memory of the millions of people who had perished, 1995 should be proclaimed the "World Year of Remembrance by Peoples of the Victims of the Second World War".

99. One of the main lessons of the great victory achieved through the joint efforts of peoples of different countries was that united, concerted and energetic action on the part of all peace-loving forces and the prevention and settlement of disputes, by exclusively peaceful means were necessary in order to preserve and maintain international peace and security. That was particularly important at the current time when civil, inter-ethnic and local conflicts were continuing and the danger of the spread of weapons of mass destruction was increasing. The Russian Federation believed that the States Members of the United Nations must make every possible effort to put an end to current armed conflicts and prevent the emergence of such conflicts in the future.

100. Mr. LI ZHAOXING (China) said that the fiftieth anniversary of the end of the Second World War, as well as the fiftieth anniversary of the establishment of the United Nations, were of enormous significance. The commemoration of the end of the Second World War would help people remember the suffering caused and attach greater value to peace. His delegation was therefore in favour of including the item in the agenda.

101. The Committee decided to recommend that the General Assembly should include item 152 in the agenda.

Item 153

102. The CHAIRMAN said that the inclusion of item 153 had been proposed by a number of countries in document A/49/144 and Addenda 1, 2 and 3.

103. Mr. BLANDINO CANTO (Dominican Republic), speaking on behalf of the co-sponsors of the proposal to include item 153, entitled "Consideration of the exceptional situation of the Republic of China in Taiwan in the international context, based on the principle of universality and in accordance with the established model of parallel representation of divided countries at the United Nations", said that the proposal was aimed at carrying out a study of the situation geared towards the search for an equitable, rational and practical solution that would allow many millions of people to have full representation in the United Nations and to be able to contribute to the promotion of the economic, social and political development of the international community. The study would reaffirm the fundamental principles of the United Nations, e.g. the sovereign equality of all Member States, the peaceful settlement of disputes, and the non-use of force or the threat of force against the territorial integrity or political independence of any State. Equitable and just formulas might also emerge that would allow the communities concerned to find solutions that would strengthen harmonious coexistence and peace.

104. Mr. LI Zhaoxing (China) expressed his delegation's strong indignation at the resubmission by a small number of countries of the request concerning Taiwan's so-called "representation" in the United Nations, and its firm opposition to the inclusion of item 153 in the agenda. Its inclusion would not only contravene the purposes and principles of the United Nations Charter and the provisions of General Assembly resolution 2758 (XXVI) of 25 October 1971, but would also constitute a serious infringement of China's sovereignty and a gross interference in its internal affairs. The proposal was therefore absolutely unacceptable.

105. Resolution 2758 (XXVI) adopted by an overwhelming majority, stated unequivocally that "the representatives of the Government of the People's Republic of China are the only legitimate representatives of China to the United Nations" and that "the People's Republic of China is one of the five permanent members of the Security Council". The resolution had restored all of the lawful rights of the People's Republic of China in the United Nations and all its agencies, and expelled the Taiwan authorities from those United Nations bodies, thus settling once and for all the question of China's representation in the United Nations politically, legally and procedurally in a just manner. The proposal in question, made by a few countries, defied the will of the overwhelming majority of member States and ran directly counter to resolution 2758 (XXVI); such an attempt could not be tolerated and was doomed to failure.

106. Article 4 of the Charter explicitly stipulated that only sovereign States were entitled to membership in the United Nations. There was only one China, which was the People's Republic of China, and Taiwan was an inalienable part of Chinese territory, as had long been recognized and affirmed by 159 countries and

(Mr. LI Zhaoxing, China)

such international organizations as the United Nations. In their recently issued "White Paper on Cross-Strait Relations", the Taiwan authorities themselves had firmly supported the concept of "one China" as opposed to "two Chinas" or "one China, one Taiwan". As a province of China, Taiwan clearly had no right whatsoever to membership in the United Nations. The attempt to use the principle of "universality of membership", applicable only to sovereign States, as an argument for Taiwan joining the United Nations, was a distortion and violation of the purposes and principles of the United Nations Charter as well as of its relevant provisions.

107. At the same time, the Taiwan question was different in nature from that of Germany and Korea, which had been divided after the end of the Second World War in accordance with international agreements. Although each had become two States against their own will, their components had been widely recognized by the international community as sovereign States. Taiwan, however, had been freed from Japanese occupation and returned to the motherland after the end of World War II. Both the Cairo Declaration and the Potsdam Proclamation reaffirmed China's sovereignty over Taiwan. As a province of China, Taiwan had no sovereign status internationally, a fact widely recognized by the international community. It was absurd to cite the model of "parallel representation" in the United Nations by the former German Democratic Republic and Federal Republic of Germany, and by the Democratic Peoples Republic of Korea and the Republic of Korea, as an argument for Taiwan "joining the United Nations".

108. Taiwan's participation in regional economic organizations was a result of special arrangements made between the Chinese Government and the relevant authorities which stated explicitly that the People's Republic of China had joined those organizations as a sovereign State, while Taiwan had joined as a region of China. The so-called "arguments" used by the co-sponsors in the memorandum concerning their request thus ran counter to both historical facts and objective realities, and had no legal basis.

109. The question of Taiwan was purely an internal affair of China, and no country had the right to interfere. Raising the question of Taiwan's so-called "representation" in the United Nations under whatever pretext or in whatever manner constituted an illegal act which seriously infringed China's sovereignty and wantonly interfered in its internal affairs, an act which was naturally rejected by the Chinese Government and the entire 1.2 billion Chinese people, including their compatriots in Taiwan. China never interfered in the internal affairs of other countries and was firmly opposed to other countries interfering in its own internal affairs, including the question of Taiwan. The Chinese Government and people were capable of accomplishing their national reunification in accordance with the basic policy of "one country, two systems". Despite the attempts of the Taiwan authorities to win over a small number of countries with "dollar diplomacy", the Chinese Government and people were following the developments with serious concern, and would not sit idly by in the face of any attempts to split China or block and undermine the great cause of China's reunification.

(Mr. LI Zhaoxing, China)

110. His delegation believed that the request for the inclusion of the question of Taiwan's so-called "representation" in the agenda of the General Assembly was not a simple procedural issue. Its real intention was to split China and create "two Chinas", "one China, one Taiwan" and "one China, two Governments". A similar unreasonable request by a few countries had been categorically rejected by the General Committee at the forty-eighth session of the General Assembly, reflecting the determination of the overwhelming majority of Member States to uphold the sanctity of the United Nations Charter and the relevant resolution. His delegation was convinced that the Committee would continue to observe the purposes and principles of the United Nations Charter, support China's position and firmly oppose the inclusion of item 153 of the draft agenda in the agenda of the General Assembly, thus making once again a just and clear-cut decision on that question.

111. Mr. KHAN (Pakistan) said that his delegation remained strongly opposed to the inclusion of item 153, and firmly supported the Chinese position. The proposed agenda item clearly constituted a flagrant violation and open interference in the internal affairs of a sovereign State and member of the United Nations. China's representation had long been settled by resolution 2758 (XXVI) which had clearly pronounced that "the representatives of the Government of the People's Republic of China are the only lawful representatives of China", and that "the People's Republic of China is one of the five permanent members of the Security Council". Only then had the People's Republic of China assumed its rightful membership in the United Nations, and Taiwan had been expelled. His delegation firmly believed that Taiwan was an integral part of the People's Republic of China; the "principle of universality" and the "model of parallel representation of divided countries" cited by the sponsors of the proposal were therefore irrelevant. Taiwan clearly was not in the category of sovereign States and therefore was ineligible for membership in the United Nations. Inclusion of the request in the agenda would be an infringement upon China's sovereignty and would gravely undermine the purposes and principles of the Charter. His delegation urged the Committee to continue its rejection of the item and further proposed that it be excluded from the agendas of the current and all subsequent sessions of the General Assembly.

112. The CHAIRMAN said that the representative of the Syrian Arab Republic had asked to participate in the discussion of item 153. Rule 43 of the rules of procedure did not apply. He took it that the Committee wished to accede to the request.

113. At the invitation of the Chairman, Mr. Khany (Syrian Arab Republic), took a place at the Committee table.

114. Mr. KHANY (Syrian Arab Republic) said that General Assembly resolution 2758 (XXVI) provided for the People's Republic of China to assume the China seat as the just and reasonable solution to the question of the representation of the Chinese people at the United Nations. The recognition of the People's Republic of China by the United Nations was consistent with the principle of universality and with the United Nations Charter. His delegation opposed the inclusion of

(Mr. Khany, Syrian Arab Republic)

item 153 in the agenda, and supported the statement made by the Chinese delegation.

115. Mr. ABDELLAH (Tunisia) said that China had recovered its rightful seat in the United Nations in 1971 by means of resolution 2758 (XXVI), in which the General Assembly had also recognized China's status as a permanent member of the Security Council. Raising the issue again or otherwise introducing controversy in a situation susceptible to a single interpretation were therefore out of the question. That being said, his delegation noted with satisfaction the opening of dialogue between continental China and Taiwan, as well as the establishment of a trade organization that had led to fruitful relations between them. The participation of Taiwan in China's development also augured well for relations between the two parties. The end of the Cold War had opened promising prospects even for the reunification of divided countries. It was therefore not unreasonable to anticipate that Beijing and Taipei might at last find the path of understanding and unity.

116. The CHAIRMAN said that the representative of Grenada had asked to participate in the discussion of item 153 in accordance with rule 43 of the rules of procedure.

117. At the invitation of the Chairman, Mr. Pursoo (Grenada) took a place at the Committee table.

118. Mr. PURSOO (Grenada) said that the representative of the Dominican Republic had explained that for several reasons, the Republic of China on Taiwan remained an exceptional situation. The sponsoring nations of item 153 believed that the Republic of China had established itself on the island of Taiwan in 1949 as a result of having lost a major portion of its territory. They also believed that according to the "principle of state continuance" in international law, the status of a State as an international person was not affected by the gain or loss of population or territory, and that the Republic of China had existed on Taiwan since 1949 in satisfaction of all the characteristics of a State as defined by the Montevideo Convention of 1933 on the rights and duties of States. His delegation believed that it could not be reasonably denied that Taiwan constituted an exceptional situation. The People's Republic of China had worked diligently in the United Nations to further the cause of developing countries and of a better world; as a member of the Group of 77, Grenada viewed most appreciatively the admission of the People's Republic of China to the United Nations in 1971. However, his delegation believed that the geopolitical and historic circumstances leading to the expulsion of Taiwan from the United Nations at that time had indeed created an exceptional situation.

119. Because Taiwan was a major industrial country, its presumed contribution to global environmental pollution also warranted consideration by the international community. His delegation believed that the exclusion of Taiwan from treaty obligations governing the safety of the planet's environment constituted an exceptional situation deserving serious consideration. The item in question sought only the study of Taiwan's situation, and was in no way intended to affect any future course of action between the peoples of the Republic of China

(Mr. Pursoo, Grenada)

on Taiwan and the People's Republic of China. In the context of the post-cold-war world, consideration of Taiwan's exceptional situation would be consonant with the objectives of justice embodied in the United Nations Charter. The decision-makers of Member States occasionally erred, giving rise to exceptional situations; Taiwan was one such case, and the time had come to study it.

120. Ms. ARYSTANBEKOVA (Kazakhstan) said that in her delegation's view, the Government of the People's Republic of China was the only lawful representative of all of China, and that Taiwan was an integral part of its territory. On that basis, her delegation supported the position of the Chinese delegation and the exclusion of item 153 from the agenda.

121. Mr. ANSARI (India) said that India recognized the Government of the People's Republic of China as the only Government of China, occupying its legitimate place in the United Nations; his delegation therefore opposed the inclusion of item 153 in the agenda.

122. The CHAIRMAN said that the representative of the Libyan Arab Jamahiriya had asked to participate in the discussion of item 153. Rule 43 of the rules of procedure did not apply. He took it that the Committee wished to accede to the request.

123. At the invitation of the Chairman, Mr. Muntasser (Libyan Arab Jamahiriya) took a place at the Committee table.

124. Mr. MUNTASSER (Libyan Arab Jamahiriya) said that his delegation fully agreed with the position, affirmed the previous year, that the representation of China had been settled once and for all by General Assembly resolution 2758 (XXVI). The Committee had therefore correctly decided to exclude the item under discussion from the agenda of the previous session. His delegation supported the rejection of item 153 at the present session as well, and reaffirmed its commitment to the purposes and principles of the Charter regarding non-interference in the internal affairs of any Member State.

125. Mr. YASSIN (Sudan) said that his delegation was in full accord with the position expressed by the Chinese delegation, and could find no reason to abrogate resolution 2758 (XXVI) or the Committee's rejection of the previous year's proposal on the same topic. Taiwan had no standing as an international subject, nor as a State, so there was no legal justification for including the item in the present session's agenda. Furthermore, the principle of universality and the model of parallel representation of divided countries, as cited by the sponsoring States, were irrelevant to the question of Taiwan. His delegation viewed any attempt along such lines as a flagrant violation of the sovereignty of China.

126. The CHAIRMAN said that the representative of Burkina Faso had asked to participate in discussion of item 153 in accordance with rule 43 of the rules of procedure.

127. At the invitation of the Chairman, Mr. Ouedraogo (Burkina Faso) took a place at the Committee table.

128. Mr. OUEDRAOGO (Burkina Faso) said the explanatory memorandum A/C/49/144 dated 19 July 1994 established the reasons why the item's inclusion was necessary, and his delegation joined that of the Dominican Republic in supporting the proposal.

129. Mr. GUDYMA (Ukraine) said that his delegation would vote against the inclusion of item 153 in the agenda, because the item was far more than a mere procedural matter, touching upon the fundamental principles of the United Nations Charter: respect for the sovereignty of member States, their territorial integrity, and non-interference in their internal affairs. Inclusion of the item would be contrary to resolution 2758 (XXVI). As Article 4 of the Charter clearly provided, only sovereign States were entitled to United Nations membership; the principle of "universality of membership" applied only to sovereign States, and not to Taiwan.

130. The CHAIRMAN said that the representative of the Solomon Islands had asked to participate in the discussion of item 153 in accordance with rule 43 of the rules of procedure.

131. At the invitation of the Chairman, Mr. Horoi (Solomon Islands) took a place at the Committee table.

132. Mr. HOROI (Solomon Islands) said that there were a number of new realities in the world which could not simply be ignored. The Republic of China in Taiwan existed, with 21 million people, and had one of the world's largest economies. It was a strong democracy with an elected parliament, political parties and a lively and free opposition. Its democratic Government was fully committed to the protection and promotion of human rights for its people.

133. General Assembly resolution 2758 (XXVI) reflected the geopolitical situation of the time; the circumstances had changed since then, and the continued exclusion of the Republic of China in Taiwan was detrimental to the United Nations. General Assembly resolution 2758 (XXVI) had provided for international representation of the Chinese people inhabiting the mainland but had deprived the 21 million people of the Republic of China in Taiwan of representation in the international community. It therefore violated the principle of universality which was one of the foundations of the United Nations Charter and did not constitute a comprehensive, reasonable and just solution to the question of the representation of the Chinese people in the United Nations. There were precedents for parallel representation of divided peoples in the United Nations; the Federal Republic of Germany and the German Democratic Republic, as well as the Democratic People's Republic of Korea and the Republic of Korea, had been admitted simultaneously. The recognition by the United Nations of the rights of the Republic of China in Taiwan would be consistent with the principle of universality. The full and formal participation of that country in the United Nations and its multilateral agencies and programmes of humanitarian aid and assistance and economic development would help promote international prosperity.

(Mr. Horoi, Solomon Islands)

134. The Republic of China in Taiwan was too important a country to ignore. It must be allowed to assume its rightful place in the community of nations. His delegation therefore supported the inclusion of item 153 in the agenda.

135. The CHAIRMAN said that the representative of Niger had asked to participate in the discussion of item 153 in accordance with rule 43 of the rules of procedure.

136. At the invitation of the Chairman, Mr. Seydou (Niger) took a place at the Committee table.

137. Mr. SEYDOU (Niger) said that Niger had resumed diplomatic relations with the Republic of China in Taiwan two years previously; in so doing, the authorities of Niger had taken into account the exceptional international situation, especially the end of the cold war and the intensification of relations of cooperation among all States. It had acted out of a desire to develop political, economic and trade relations with all countries that valued peace and freedom.

138. His delegation supported the proposal to include item 153 in the agenda in order to take into account those aspects and especially the exceptional situation of the Republic of China in Taiwan. It was time for the General Assembly to consider the situation, which had been inherited from the cold war, and help resolve it.

139. Mr. SIDOROV (Russian Federation) said that his delegation felt that, in accordance with General Assembly resolution 2758 (XXVI), the question of the representation of China in the United Nations had been resolved; the proposal to include item 153 in the agenda therefore contradicted a decision already adopted by the General Assembly. The question of Taiwan was an internal affair of China and the inclusion of the proposed item would constitute interference in the internal affairs of sovereign China.

140. Mr. VILCHEZ ASHER (Nicaragua) said that, as a sponsor of the proposal to include item 153 in the agenda, his delegation wished to reiterate that with the end of the ideological confrontation which had characterized the international relations of the post-war era, the international community must explore new ways of finding peaceful solutions to disputes so as to resolve all the unjust situations which still persisted as a result of the cold war. Nicaragua sought effective protection of the fundamental human rights of the 21 million people who lived in the Republic of China in Taiwan; so far those rights had not been recognized by the United Nations, and that had prevented the participation of that important country in many international conventions on human rights, the protection of the environment and humanitarian matters.

141. The proposal accorded with established procedure of the United Nations and with international law and in no way infringed on the sovereignty of any State or violated the principle of non-interference laid down in article 2 of the Charter.

(Mr. Vilchez Asher, Nicaragua)

142. Nicaragua, like many other countries, had mutually advantageous diplomatic relations with the Republic of China in Taiwan and recognized that country as a sovereign State which satisfied the specific characteristics of a State as defined in the 1933 Montevideo Convention on the Rights and Duties of States. Under the proposed item, the United Nations would merely be asked to consider the question of setting up an ad hoc committee to study the issue. The United Nations, as a universal forum committed to building an international order, should be able to include the proposal in its agenda and should not fear a balanced debate on the subject. In the new international scheme, it was essential for the United Nations to have a new vision; it must recognize and protect the rights of the Republic of China in Taiwan within the framework of the principles of universality and respect for human rights. The full participation of that nation in the United Nations and its multilateral programmes of humanitarian systems and economic and social development would help the United Nations and promote prosperity at the global level.

143. Mrs. POK (Cambodia) said that there was only one China; her delegation firmly supported the position of the People's Republic of China as the sole and legitimate Government; it therefore recommended the exclusion of item 153 from the agenda.

144. Mr. LAMPTEY (Ghana) said that, as a matter of principle, Ghana had always supported China over the decades and had supported the decision to allow the People's Republic of China to take its rightful place in the United Nations. The proposed item, which was couched as a simple procedural item was in reality very dangerous. As both Taiwan and the People's Republic of China recognized, there was only one China; the questions of parallel representation and universality were therefore completely irrelevant. The United Nations had decided overwhelmingly that the People's Republic of China was the rightful State to occupy China's seat. At a time when the two authorities were entering into dialogue, it was very strange that the item should be suggested for inclusion in the agenda. His delegation urged that it should be deleted.

The meeting rose at 1.30 p.m.

UNITED NATIONS

General Assembly

FORTY-NINTH SESSION

Official Records

GENERAL COMMITTEE
2nd meeting
held on
Wednesday, 21 September 1994
at 3 p.m.
New York

SUMMARY RECORD OF THE 2nd MEETING

Chairman: Mr. ESSY
(President of the General Assembly)

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The meeting was called to order at 3.25 p.m.

ORGANIZATION OF THE FORTY-NINTH REGULAR SESSION OF THE GENERAL ASSEMBLY, ADOPTION OF THE AGENDA AND ALLOCATION OF ITEMS: MEMORANDUM BY THE SECRETARY-GENERAL (continued) (A/BUR/49/1 and Add.1)

Section IV. Adoption of the agenda (continued)

Inclusion of items

Item 153

1. Mr. PAK (Democratic People's Republic of Korea) said that his delegation was opposed to inclusion of the item in the agenda since General Assembly resolution 2758 (XXVI) recognized the People's Republic of China as the only legitimate representative of the people of China at the United Nations, and the sovereignty and territorial integrity of China must be respected.

2. Mr. PIRIZ-BALLON said that the request for inclusion was not appropriate in view of the resolutions and decisions adopted by the competent organs of the United Nations on substantive constitutional and legal grounds. Moreover the prospect of attaining a consensus on the inclusion of the item was remote.

3. Mr. SINUNGURUZA (Burundi) said that since the item had first been submitted to the General Committee at the preceding session and it had been decided to reject it no new elements had emerged that might necessitate reconsideration of the earlier position, which had been adopted on the basis of well-founded arguments. The question should not be considered in an international forum as it was for the people of China in exercise of their full sovereign rights to decide the matter.

4. Mr. SENILOLI (Fiji) said that the recent dialogue between the People's Republic of China and Taiwan was encouraging. He trusted that the cooperation between the two parties in regional institutions would serve as a basis for a lasting solution that was satisfactory to both.

5. Mr. LOPES DA ROSA (Guinea-Bissau) said that his country, in common with the Dominican Republic, Grenada, Burkina Faso, the Solomon Islands, Niger and Nicaragua, supported the proposal for inclusion of the item on the basis of Article 4 of the United Nations Charter interpreted in conjunction with Article 2, paragraph 1. Those rejecting the proposal should refer to article 13 of the rules of procedure of the General Assembly. He hoped that attitude did not represent any demonstration of hostility towards the group of countries, much less prepotency, and that it was merely an erroneous interpretation of the Charter and the rules of procedure.

6. The CHAIRMAN said that the representative of Cuba had asked to participate in the discussion of item 153. While rule 43 of the rules of procedure was not applicable, he would take it that the Committee wished to accede to the request.

7. At the invitation of the Chairman, Mr. Moreno-Fernández (Cuba) took a place at the Committee table.

8. Mr. MORENO-FERNANDEZ (Cuba) said that his delegation was opposed to the inclusion of item 153 since it constituted a violation of the principles of sovereignty, territorial integrity and non-interference in the internal affairs of States - fundamental pillars of the foreign policy of his country. While, as had been stated, political circumstances might differ, that was not true of history, geography, the guiding principles of the Organization and the sources of international law, among them the resolutions of the General Assembly. General Assembly resolution 2758 (XXVI), which had restored the People's Republic of China to its rights at the United Nations, not only remained valid but was one of the bases of the work of the Organization. Accordingly the principle of universality could not, in the light of international law, apply in the case before the Committee, in view of which he fully supported the statement by the Permanent Representative of the People's Republic of China.

9. The CHAIRMAN said that the representative of Nepal had asked to participate in the discussion of item 153 in accordance with rule 43 of the rules of procedure.

10. At the invitation of the Chairman, Mr. Acharya (Nepal) took a place at the Committee table.

11. Mr. ACHARYA (Nepal) said that his country supported the "one China" policy, and considered Taiwan to form part of the People's Republic of China. The General Assembly had already made its position clear, in view of which his delegation recommended that item 153 should not be included in the agenda.

12. The CHAIRMAN said that the representative of Benin had asked to participate in the discussion of item 153 in accordance with rule 43 of the rules of procedure.

13. At the invitation of the Chairman, Mr. Mongbé (Benin) took a place at the Committee table.

14. Mr. MONGBE (Benin) said that General Assembly resolution 2758 (XXVI) was completely unambiguous in its recognition of one China and had restored to the People's Republic of China all its rights at the Organization. It was a question which had already been decided and which affected China alone. Benin, committed to the principle of non-interference in the internal affairs of the States Members of the United Nations, was opposed to the inclusion of the item, and recognized the validity of the prudent and unequivocal decision taken by the General Committee of the General Assembly at the forty-eighth session.

15. The CHAIRMAN said that the representative of Kuwait had asked to participate in the discussion of item 153. While rule 43 of the rules of procedure was not applicable, he would take it that the Committee wished to accede to the request.

16. At the invitation of the Chairman, Mr. Al-Sabeeh (Kuwait) took a place at the Committee table.

17. Mr. AL-SABEEH (Kuwait) said that, given that Kuwait maintained relations with China as the representative of the Chinese people at the United Nations, and in accordance with General Assembly resolution 2758 (XXVI), his delegation fully agreed with the views of the representative of China and supported the request for the item not to be included in the agenda for the forty-ninth session.

18. The Committee decided not to recommend the inclusion of item 153 in the agenda.

19. Mr. Moreno-Fernández (Cuba), Mr. Acharya (Nepal), Mr. Mongbé (Benin) and Mr. Al-Sabeeh (Kuwait) withdrew.

Item 154

20. The CHAIRMAN said that the inclusion of item 154 had been requested by a group of countries listed in documents A/49/191 and Add.1. The representative of Australia had asked to participate in the discussion of item 154 in accordance with rule 43 of the rules of procedure.

21. At the invitation of the Chairman, Mr. Butler (Australia) took a place at the Committee table.

22. Mr. BUTLER (Australia) said that the South Pacific Forum was a political grouping of 15 independent or self-governing States in the region which met annually at the head-of-government level to develop collective responses on a wide range of regional issues including trade, economic development, civil aviation and maritime issues, telecommunications, energy, and political and security matters. In addition the South Pacific Forum maintained a dialogue with various external Governments and organizations. The Forum was supported by a secretariat and had first been established as an international organization pursuant to the 1973 agreement establishing the South Pacific Bureau for Economic Cooperation. The Forum was seeking observer status on terms similar to those prescribed in respect of other associations of States. The request reflected the commitment by the Governments of the member States of the Forum to develop a closer relationship with the United Nations.

23. Since its inception, the Forum had played a vital role in promoting closer cooperation and consideration of a range of issues of direct relevance to the South Pacific region and beyond. The range of issues currently on its agenda were indicated in the communiqué from its most recent meeting, which had been circulated as a General Assembly document. The theme for the 1994 Forum,

"Managing our resources", encompassed the development of human resources, the management and exploitation of forestry resources, the development of fisheries and associated industries, land use concerns and their relationship to sustainable development, and the growth of tourism. The Forum had also focused on the need to adopt a global perspective in regard to the development of economic policies, the importance of environmental issues in the Pacific region, biodiversity conservation, and effective implementation in the region of the recommendations of the Programme of Action of the Global Conference on the Sustainable Development of Small Island Developing States. Furthermore, the Secretary-General of the Forum had been requested to work more actively in developing relations between the Forum and the United Nations, as well as with the group of countries of Asia and the Pacific and the Association of South-East Asian Nations (ASEAN). It had been recognized that the Forum must adapt and diversify its external relations in the light of the changes which had occurred in the international environment and must realize the potential for greater cooperation with the United Nations which it could achieve through attaining observer status.

24. In 1993, the Forum had received a copy of a statement made by the President of the Security Council on behalf of the Council in connection with its consideration of the report of the Secretary-General entitled "An agenda for peace: preventive diplomacy, peacemaking and peace-keeping" (A/47/277-S/24111) in which the Security Council had invited regional organizations to consider ways and means of further improving coordination of their efforts with those of the United Nations. That statement reflected the increasing importance which was being placed on the role of regional organizations and the contribution which they could make to attaining the objectives of the United Nations Charter by working more closely within the United Nations system. The South Pacific Forum's decision to apply for observer status in the General Assembly was a positive response to that invitation.

25. The Forum also attached great importance to supporting the interests of the smaller island States. In that regard, observer status would provide an opportunity for its 15 member States to cooperate with the United Nations. Therefore, on behalf of the 40 sponsors, his delegation requested the Committee to recommend that item 154 be included in the agenda of the forty-ninth session of the General Assembly and that the item be considered in plenary meeting.

26. Mr. Butler (Australia) withdrew.

27. Mr. SENILOLI (Fiji) said that his delegation supported the statement made by the representative of Australia. The South Pacific Forum had developed as an expression of the desire of the Forum's leaders to formulate collective responses to a broad range of regional questions and was playing an essential role in cooperation activities in the South Pacific region and in relations with other regional bodies and organizations. It was therefore important that it should be associated with the United Nations and that a mutually beneficial relationship should be established. He therefore called on the Committee to recommend the inclusion of item 154 in the agenda of the forty-ninth session of the General Assembly.

28. Mr. VALENCIA RODRIGUEZ (Ecuador) said that he supported the inclusion of item 154 in the agenda of the forty-ninth session of the General Assembly.

29. The Committee decided to recommend that the General Assembly should include item 154 in the agenda.

Item 155

30. Mr. ROWE (Australia), introducing document A/49/192 and Add.1 on behalf of the 87 sponsors, said that the latter had been joined by Bhutan, Bosnia and Herzegovina, Guyana, Latvia, Macedonia, Mozambique, Slovenia, the Solomon Islands and the Former Yugoslav Republic of Macedonia. Although the basis on which the International Federation of Red Cross and Red Crescent Societies was seeking observer status in the General Assembly was contained in the explanatory memorandum in document A/49/192, the sponsors wished to draw the attention of the Committee to certain points.

31. The International Federation had been founded in 1919 and was the federation of all 162 recognized national Red Cross and Red Crescent Societies of the world. It acted under its own Constitution with all rights and obligations of a corporate body with legal personality; its member societies represented some 125 million members and volunteers with approximately 277,000 employed staff. In accordance with its Constitution, the Federation was the official representative of its member societies in the international field and the guardian of their integrity and the protector of their interests. The functions of the Federation, which had been endorsed by States when they had adopted the Statutes of the International Red Cross and Red Crescent Movement, were, inter alia, to bring relief by all available means to all disaster victims; to organize, coordinate and direct international relief actions and to assist the national societies in their disaster relief preparedness; to bring help to victims of armed conflicts, in accordance with the agreements concluded by the International Committee of the Red Cross; to encourage and promote in every country the establishment and development of an independent and duly recognized national society; and to carry out the mandates entrusted to it by the International Conference of the Red Cross and Red Crescent.

32. With over 300 delegates working in 11 regional and 56 country delegations, the Federation secretariat, with the support of its member societies, which provided the major part of the funds, relief consignments and personnel, had been active throughout the world in 1994 in providing assistance to disaster victims and sustaining development programmes. The tasks of the Federation and the United Nations increasingly complemented one another and the Federation interacted with increasing frequency with bodies such as the World Health Organization (WHO), the United Nations Children's Fund (UNICEF), the Office of the United Nations High Commissioner for Refugees (UNHCR) and the Department of Humanitarian Affairs. Moreover, the International Red Cross and Red Crescent Movement fostered close cooperation between its components both in the field and at the secretariat level. It would therefore be beneficial to the General Assembly and would increase the effectiveness of the Movement as a whole if the Federation were admitted as an observer, thereby complementing the contribution

of the International Committee of the Red Cross in terms of its different mandate, as well as know-how and operational capacity.

33. As a humanitarian organization which was involved globally, on a huge scale, in disaster relief operations as well as day-to-day health and social programmes, the Federation considered that it was important to have the opportunity to participate as an observer in the work of the General Assembly when policy on humanitarian issues was developed and discussed. Observer status with the General Assembly would be of mutual benefit to the two organizations and, above all, to disaster victims, as it would further strengthen communications and operational cooperation between the United Nations and the Federation.

34. The Federation's application had been pending for some time; in that sense, it was not a new application, and should therefore be dealt with on the basis of existing procedures and as expeditiously as had been the case with applications by other humanitarian organizations recently in the General Assembly.

35. Mr. ROSENSTOCK (United States of America) said that, in accordance with the liberal policy that had been followed regarding the inclusion of items and since item 155 merited consideration, his delegation was prepared to support its inclusion in the agenda. However, because of the special nature of the organizations concerned, the item gave rise to various potentially complex questions. He felt that those questions, the implications of the item and the request contained in it must be considered carefully and thoroughly and at the same time rapidly and effectively, and that it was impossible to take a decision on the inclusion of item 155 in the agenda without considering the manner in which it should be considered. He therefore proposed that item 155 should be allocated to the Sixth Committee.

36. Mr. BLANDINO CANTO (Dominican Republic) said that he supported the statement by the representative of Australia and urged the Committee to recommend the inclusion of item 155 in the agenda of the forty-ninth session of the General Assembly, bearing in mind the scope of the work carried out by the International Federation of Red Cross and Red Crescent Societies.

37. The CHAIRMAN said that the representative of Malaysia had asked to participate in the discussion of item 155 in accordance with rule 43 of the rules of procedure.

38. At the invitation of the Chairman, Mrs. Zachariah (Malaysia) took a place at the Committee table.

39. Mrs. ZACHARIAH (Malaysia) said that her delegation supported the request to grant observer status for the International Federation of Red Cross and Red Crescent Societies in the General Assembly since the Federation was the only international organization in which the great majority of Governments was represented and it was governed by statutes elaborated by Governments and organizations. It therefore fully deserved the status which more than 70 countries from all regions were requesting on its behalf. Although she

shared the view of some delegations concerning the need to study future requests for the granting of observer status, she wished to recommend that the General Committee should accept the request in question and that, in addition, an open-ended working group of the General Assembly should be established to consider future requests, including requests for broadening the criteria and relevant conditions. She therefore supported the proposal that the item should be considered in plenary meeting.

40. Mrs. Zachariah (Malaysia) withdrew.

41. The CHAIRMAN said that the representative of Benin had asked to participate in the debate on the item. While rule 43 of the rules of procedure did not apply, if he heard no objections, he would take it that the Committee wished to accede to the request.

42. At the invitation of the Chairman, Mr. Mongbé (Benin) took a place at the Committee table.

43. Mr. MONGBE (Benin) supported the statement made by the representative of Australia and noted that his country was a sponsor of the letter requesting the granting of observer status for the International Federation of Red Cross and Red Crescent Societies in the General Assembly. With regard to the proposal made by another delegation that the item should be referred to the Sixth Committee for consideration, General Assembly resolution 48/264 provided that "Agenda items which are of a nature that relates to more than one Main Committee or which do not come within the purview of any Main Committee should be considered by the General Assembly in plenary meeting, taking into account the recommendations of the General Committee". He therefore saw no reason why the item should be referred to a specific Committee for consideration, since it was within the purview of the plenary Assembly.

44. Mr. Mongbé (Benin) withdrew.

45. The CHAIRMAN said that the representative of Burkina Faso had asked to participate in the debate on the item, in conformity with rule 43 of the rules of procedure.

46. At the invitation of the Chairman, Mr. Ouedraogo (Burkina Faso) took a place at the Committee table.

47. Mr. OUEDRAOGO (Burkina Faso) said that his delegation shared the concern which had been expressed over the possibility that observer status in the General Assembly might be granted too hastily to all organizations requesting it. It would be better to establish a procedure for determining the manner in which observer status would be granted and the criteria for doing so. That notwithstanding, in Burkina Faso the Red Cross referred to a network of mutual and emergency assistance operating throughout the national territory and staffed by deeply dedicated volunteers and collaborators. The same network of solidarity extended beyond the national frontiers and provided a glimpse of what the international community should be like. His delegation therefore supported

the inclusion of item 155 in the agenda of the General Assembly and its consideration in plenary meeting, if only because of the humanitarian and profoundly regenerative activities of the Red Cross and Red Crescent Societies.

48. Mr. Ouedraogo (Burkina Faso) withdrew.

49. Mr. HUDYMA (Ukraine) said that his country was a sponsor of the letter requesting the inclusion of item 155 in the agenda of the forty-ninth session of the General Assembly and was of the view that the item should be considered in plenary meeting. The International Federation of Red Cross and Red Crescent Societies was a unique organization whose members had been entrusted with public responsibilities that derived, first and foremost, from international treaties of universal application, including the 1949 Geneva Convention. The competence and special attributes of the Federation had been recognized in several resolutions of the General Assembly; the Federation had a broad mandate to provide assistance to the victims of conflicts and disasters and to prevent and mitigate suffering. A large number of issues currently before the United Nations were relevant to the activities of the Federation and closer cooperation, particularly in the humanitarian field, between the two organizations would be mutually beneficial.

50. Mr. ABDELLAH (Tunisia) supported the request for the granting of observer status for the International Federation of Red Cross and Red Crescent Societies in the General Assembly having regard to the large number of national societies which were members of that organization and the scope of its activities in the humanitarian field, and, in particular, in preventing disasters and relieving victims' suffering. Given the large number of Member States which had supported the request, he wished to suggest that the item should be considered in plenary meeting.

51. Mr. YASSIN (Sudan) said that his country was among the 78 sponsors of the letter requesting the granting of observer status in the General Assembly for the International Federation of Red Cross and Red Crescent Societies, which was a unique international organization providing assistance to thousands of needy people. In 1994, the organization had provided assistance to more than 19 million people throughout the world and the delegation of the Sudan therefore supported the statements made by the delegations of Malaysia and Benin to the effect that the item should not be referred to the Sixth Committee for consideration.

52. Mr. SINUNGURUZA (Burundi) said that his delegation supported those delegations which had requested the granting of observer status for the International Federation of Red Cross and Red Crescent Societies in the General Assembly and that, on the instructions of his Government, he wished to request that Burundi should be considered a sponsor of document A/49/192 and Add.1. In explanation of his position, he wished to point out that the Red Cross had undertaken noteworthy activities which deserved full support, particularly in the developing countries, including Burundi. He therefore supported the statements made by those delegations which were in favour of the inclusion of

the item in the agenda of the forty-ninth session of the General Assembly and of its consideration in plenary meeting.

53. Mr. HALFF (Netherlands) said that various requests had recently been made for the granting of observer status in the General Assembly and that in most cases, those requests had been granted without further discussion and without more careful consideration of the benefit that would accrue to the United Nations. The request for the granting of observer status to the International Federation of Red Cross and Red Crescent Societies was a good example of a case in which not all the political and legal aspects were fully clear. He therefore supported the inclusion of the item in question in the agenda of the General Assembly, but for the time being only in order to permit more in-depth consideration of all its political and legal aspects. In his delegation's view, the most appropriate body for undertaking that task would be not the plenary Assembly but rather the Sixth Committee, to which the item should therefore be referred in the first instance.

54. Mr. ORDZHONIKIDZE (Russian Federation) said that his delegation fully supported the reasons which motivated the request for the inclusion of the item in the agenda of the forty-ninth session of the General Assembly. The International Federation of Red Cross and Red Crescent Societies organized and coordinated a tremendous effort of humanitarian assistance at times of natural disasters and armed conflicts. That noble activity was well known thanks to the explanatory notes contained in document A/49/192 and to the cooperation which his country maintained with that organization. While his delegation was not opposed in principle to the inclusion of the item in the agenda, it would prefer the item to be given in-depth consideration. In that respect, it supported those delegations which had suggested that the time was ripe to systematize the approach to be followed in resolving problems of that nature. He therefore supported the proposal that the item should be considered in the Sixth Committee of the General Assembly.

55. Mr. MWAUNGULU (Malawi) said that, as a sponsor of the proposal, his delegation fully supported the proposal to include item 155 in the agenda. It also considered it necessary to establish criteria for the appropriate consideration of future requests for the granting of observer status for other non-governmental organizations in the General Assembly.

56. Mr. VALENCIA RODRIGUEZ (Ecuador) said that his delegation supported the inclusion of the item in the manner originally proposed by the drafters of the request, in other words, that it should be considered directly by the General Assembly in plenary meeting.

57. Mr. SENILOLI (Fiji) said that as one of the sponsors of the request for the inclusion of the item in the agenda, his delegation supported the request for the granting of observer status. With respect to the proposal that the item should be referred to the Sixth Committee before being taken up in the plenary, he would not object to applying that procedure to all such requests provided that, in the case under discussion, it were not used to delay the granting of the observer status.

58. Mr. SUCHARIPA (Austria) said that his delegation had been instructed to support the proposal to include the item in the agenda as formulated by the delegation of Australia, which implied consideration of the item in the plenary. At the same time, he was aware of the difficulties that might arise if entities which were not as important or did not enjoy the same international standing as the Federation were all to request observer status. For that reason, he supported the proposal to establish criteria for the granting of observer status in the General Assembly.

59. The CHAIRMAN said that the representative of Canada had asked to participate in the discussion of item 155 in accordance with rule 43 of the rules of procedure.

60. At the invitation of the Chairman, Mr. Baillargeon (Canada) took a place at the Committee table.

61. Mr. BAILLARGEON (Canada) said that his delegation, like many others, felt that the time had come to establish a set of criteria to facilitate the selection process in the future. The criteria should be drawn up by the Sixth Committee or another body but only after addressing the long-standing request of the Federation, under the existing procedure - the same procedure as that applied in granting observer status to the South Pacific Forum should apply to the Federation. New criteria would be applied to future requests. Moreover, the special case of the Federation and its unique nature, which had been underscored by a number of delegations, should serve as a guideline for developing criteria sufficiently restrictive so as not to undermine the status of permanent observer. His delegation hoped that the case of the Federation would be considered as soon as possible in plenary without prejudice to having the question of criteria discussed in the Sixth Committee or in another forum.

62. Mr. BAILLARGEON (Canada) withdrew.

63. Mr. LOPES DA ROSA (Guinea-Bissau) said that his delegation supported the view of previous speakers that item 155 should be included in the agenda and should be considered directly in the plenary.

64. The CHAIRMAN said that the representative of Sweden had asked to participate in the discussion of item 155 in accordance with rule 43 of the rules of procedure.

65. At the invitation of the Chairman, Mr. Rydberg (Sweden) took a place at the Committee table.

66. Mr. RYDBERG (Sweden) said that he supported the proposal to include the item in the agenda of the General Assembly for the reasons clearly stated by the representative of Australia. His delegation was also of the view that the item should be considered in the plenary in accordance with the established practice

for the granting to organizations of observer status in the General Assembly. He hoped that item 160 would also be included in the agenda.

67. The Committee decided to recommend that the General Assembly should include item 155 in the agenda.

68. Mr. Rydberg (Sweden) withdrew.

Item 156

69. Mr. ABDELLAH (Tunisia) said that the inclusion of this item in the agenda was a wise initiative given the importance of the Convention on the Prohibition of the Development, Stockpiling and Use of Chemical Weapons and on Their Destruction which was one of the effective non-proliferation instruments, and was a step fostering the inclusion of other universal disarmament treaties.

70. The Committee decided to recommend that the General Assembly should include item 156 in the agenda.

Item 157

71. The Committee decided to recommend that the General Assembly should include item 157 in the agenda.

Item 158

72. The Committee decided to recommend that the General Assembly should include item 158 in the agenda.

Item 159

73. The Committee decided to recommend that the General Assembly should include item 159 in the agenda.

Item 160

74. Mr. ROSENSTOCK (United States of America) said that recent General Assembly decisions and the item just included in the agenda were likely to raise problems with regard to the criteria to be applied for the granting of observer status in the General Assembly. For example, the excellent record of the International Federation of Red Cross and Red Crescent Societies did not change the non-governmental nature of that organization or of other such worthy organizations. His delegation wished to reaffirm its support for certain criteria applied over the years by the General Assembly. The South Pacific Forum was an example of an organization that satisfied the current criteria and therefore the item could be considered directly in the plenary. However, it was neither the time nor place to go into detailed discussions of the issue. If the existing criteria were not reaffirmed and new criteria were not drawn up, there would be no basis for granting or denying observer status to organizations that so requested. That could affect the functioning of the General Assembly and

jeopardize the privileges currently enjoyed by observers. Moreover, there was the risk that the process provided for by resolution 1279 of the Economic and Social Council might be weakened. His delegation felt that the question of new criteria should be considered as a matter of urgency reasonably soon and that the existing criteria should be retained; it also supported the allocation of the item to the Sixth Committee.

75. Mr. LEGAL (France) said that the recent increase in the number of applications for observer status in the General Assembly made it necessary to conduct an in-depth review of the institutional and practical consequences that the granting of such status would have on certain non-governmental organizations. While there were no criteria governing the matter, his delegation felt that the granting of observer status was, with few exceptions, reserved for intergovernmental organizations since the representation of non-governmental organizations was within the province of the Economic and Social Council. Nevertheless, many non-governmental organizations were now requesting observer status in the General Assembly. The requests put forward sound arguments and were made by bodies that enjoyed a wide following. In the circumstances, if the General Assembly considered the applications on a case-by-case basis, it might find itself facing a situation that it had not bargained for. Therefore, it had become necessary to consider the possible institutional consequences of granting observer status in the various United Nations organs. His delegation therefore wished to propose that the Committee should recommend the inclusion of a new item entitled "Question of criteria for the granting of observer status in the General Assembly". Naturally, the requests under consideration would have to be reviewed according to existing procedures since the case had not been made for proceeding otherwise.

76. Mr. SREENIVASAN (India) said that his delegation's position on the question of granting observer status to non-governmental organizations in the General Assembly was well known. As a rule, non-governmental organizations wishing to associate themselves with the activities of the United Nations had to do so in accordance with the rules governing the granting of consultative status before the Economic and Social Council. The General Assembly of the United Nations should continue to be an intergovernmental body. In the past, his delegation had expressed the view that any exceptions had to be made on the basis of very rigorous criteria. Nevertheless, he welcomed the United States proposal to develop such criteria and supported the inclusion of the item in the agenda in the hope that exceptions would be kept to a minimum rather than open the door for non-governmental organizations to obtain observer status in the General Assembly.

77. Mr. HALFF (Netherlands) said that his delegation supported the opinions expressed by the representative of the United States and was gratified by his proposal for the inclusion in the agenda of the item concerning the criteria for granting observer status and for assigning it to the Sixth Committee.

78. Mr. ABDELLAH (Tunisia) said that he supported the proposal of the representative of the United States that the Sixth Committee consider developing

criteria for granting observer status to non-governmental organizations which might make that request in future.

79. Mr. ORDZHONIKIDZE (Russian Federation) observed that non-governmental organizations had requested observer status during the past few years and that the General Assembly had made several exceptions to the general rule that such status be granted only to States and to intergovernmental organizations. His delegation felt that no more such exceptions should be made, as they could adversely affect the status of observer. If non-governmental organizations were interested in the activities of the United Nations, the appropriate forum for the expression of such interest would be another organ like the Economic and Social Council, for which there was an established procedure. In this respect he supported the proposal of the representative of the United States that criteria be established for the granting of that status.

80. The General Committee decided to recommend that the General Assembly should include item 160 in the agenda.

Session V. Allocation of items

Paragraph 46

81. The CHAIRMAN noted that in paragraph 46 the Secretary-General had informed the General Committee that the allocation of items had been carried out on the basis of the pattern adopted by the General Assembly in previous years. Moreover, as was suggested in paragraph 46, the General Committee also wished to draw the attention of the General Assembly to paragraph 4 of its decision 34/401, according to which substantive items should normally be discussed initially by a Main Committee and, therefore, items previously allocated to plenary meetings should thenceforth be referred to a Main Committee unless there were compelling circumstances requiring their continued consideration in plenary meeting.

82. The General Committee decided to draw the attention of the General Assembly to paragraph 4 of its decision 34/401.

83. The CHAIRMAN observed that in paragraph 46, the Secretary-General had drawn the attention of the General Committee to paragraph 5 of the annex to General Assembly resolution 39/88 B, which recommended that the Chairmen of the Main Committees should take the initiative, in the light of past experience, to propose the grouping of similar or related items and the holding of a single general debate on them, as well as to paragraph 6 of the annex to General Assembly resolution 45/45, which recommended that the General Committee should ensure the best use of the expertise of the Committees in making recommendations as to how agenda items should be allocated to the Main Committees and the plenary of the General Assembly.

84. In the same paragraph 46 of his memorandum, the Secretary-General also drew the General Committee's attention to paragraphs 2 and 5 (b) and (d) of annex I of General Assembly resolution 48/264, which said that agenda items that were of

a nature that related to more than one Main Committee or which did not come within the purview of any Main Committee should be considered by the General Assembly in plenary meeting, taking into account the recommendations of the General Committee, and that the Main Committees be encouraged to continue with the review of their respective agendas, with items covering related matters or issues being considered in groups, and maintaining the existing broad division of work among the Main Committees.

Paragraph 47

85. The CHAIRMAN drew the General Committee's attention to seven items of the draft agenda not previously considered by the General Assembly, and invited the General Committee to decide what recommendations it wished to make with regard to the allocation of those items.

86. The General Committee decided to recommend to the General Assembly that item 150 be allocated to the Special Political and Decolonization Committee (Fourth Committee).

87. The General Committee decided to recommend to the General Assembly that items 151, 152 and 154 be considered directly in plenary meeting.

88. The CHAIRMAN noted that the sponsors of item 155 had proposed that it be considered directly in the plenary. However, the representative of the United States had proposed that item 155 be allocated to the Sixth Committee.

89. Mr. LEGAL (France) said that, in the opinion of his delegation, observer status was reserved in principle for intergovernmental organizations, since the Economic and Social Council was the body responsible for recognizing non-governmental organizations as consultative entities. The two exceptions that had been made to that principle involved very special circumstances: one was that of the International Committee of the Red Cross, an organization with very close ties to the United Nations in performing humanitarian operations, and the other was that of an organization with which many States members had relations which they characterized as diplomatic, thereby conferring a completely special character upon that organization.

90. In principle, France did not object to having the General Assembly consider the request presented by the International Federation of Red Cross and Red Crescent Societies, although it considered that granting observer status to that Federation should initiate an overall review of the consequences for the United Nations of a considerable increase in the number of observers, and particularly of observers that were non-governmental organizations. Such an increase would be hard to avoid if there was no objection in principle to the granting of observer status to such organizations in the General Assembly. Leaving aside the matter of whether or not such an increase was desirable, his delegation felt that the question of the institutional implications should at least be raised.

91. Furthermore, his delegation was in favour of allocating consideration of the request presented by the International Federation of Red Cross and Red

Crescent Societies to the Sixth Committee. That Committee would then have a good opportunity to examine the general and practical consequences of the position adopted by the General Assembly regarding the granting of observer status, and to present the Assembly with a soundly reasoned recommendation on the matter. Moreover, no compelling circumstances had been mentioned in connection with item 155 that would justify it being considered in the plenary in accordance with the provisions of paragraph 4 of Assembly decision 34/401.

92. Ms. WILMSHURST (United Kingdom of Great Britain and Northern Ireland) reiterated her country's position that the General Assembly should consider extremely carefully the principles upon which the granting of observer status to non-governmental organizations were to be based. Before considering new requests from non-governmental organizations, fundamental decisions would have to be adopted regarding the criteria applicable in such cases. As had been previously indicated in the meeting, the General Assembly had established the practice of granting observer status only to States and intergovernmental organizations, with the two special exceptions that had been referred to previously.

93. The excellent reputation of the International Federation of Red Cross and Red Crescent Societies was known to all, but there were many other non-governmental organizations that had also done remarkable work. More than 370 non-governmental organizations had been recognized as deserving consultative status by the Economic and Social Council. It was fair to ask whether there was enough space and sufficient resources to accept so large a number of organizations as observers in the General Assembly.

94. Since the Committee had decided that the new item 160, proposed by the United States, should be included in the agenda and allocated to the Sixth Committee, the United Kingdom was in favour of allocating item 155 to the same Committee, where due attention could be given to all aspects, both institutional and legal, of the granting of observer status.

95. Mr. HALFF (Netherlands) supported the proposal to allocate item 155 to the Sixth Committee.

96. The CHAIRMAN said that the representative of Finland had asked to participate in the discussion of item 155, in accordance with rule 43 of the rules of procedure.

97. At the invitation of the Chairman, Mr. Salmi (Finland) took a place at the Committee table.

98. Mr. SALMI (Finland) said that item 155 should be considered directly in plenary meeting, bearing in mind the special character of the International Federation of Red Cross and Red Crescent Societies. In his delegation's opinion, enough arguments and justifications had already been put forward for a decision to be made on the Federation's request for observer status, and it was

unnecessary to allocate the item to a Main Committee before it was considered in plenary meeting.

99. Mr. Salmi (Finland) withdrew.

100. Mr. MONGBE (Benin) said his delegation disagreed with the request from the United States, France and the United Kingdom for item 155 to be allocated to the Sixth Committee. He recalled that the 87 Member States which had sponsored that item's inclusion in the agenda of the General Assembly supported the request that it should be considered directly in plenary meeting, and that the majority opinion should be respected in order to maintain the democratic character of the deliberations.

101. Mr. ROWE (Australia) said that his delegation supported the position expressed by the representative of Benin. The allocation of item 155 to the Sixth Committee could delay the adoption of a decision on the subject. Australia understood the need to consider the criteria which governed the granting of observer status in the General Assembly; that was why it had supported the United States request for item 160 to be included in the agenda of the General Assembly. However, his delegation considered that a distinction should be made between the specific request before the Committee concerning the International Federation of Red Cross and Red Crescent Societies, and any future requests from other organizations for the granting of observer status.

102. Mr. ROSENSTOCK (United States of America) reiterated his delegation's belief that item 155 should be allocated to the Sixth Committee for consideration in the context of the review of the criteria for granting observer status in the Assembly. It would still be possible for those questions to be examined quickly and efficiently and resolved before the end of the current session.

103. Mr. SREENIVASAN (India) proposed that item 155 should be considered directly in plenary meeting, but on the understanding that that would be done once the Sixth Committee had considered item 160 and had formulated specific recommendations regarding the criteria for granting observer status in the Assembly.

104. Mr. ROSENSTOCK (United States of America) said his delegation would accept the Indian delegation's proposal as a compromise solution.

105. Mr. MONGBE (Benin) said his delegation rejected the Indian proposal and reiterated the position of the sponsors of item 155 that it should be considered directly in plenary meeting. That consideration should not have to wait until the Sixth Committee had examined item 160. He emphasized once more that 87 Member States had recommended that item 155 should be considered in plenary meeting; the Committee should respect that majority's wishes.

106. Mr. ROSENSTOCK (United States of America) said that if the Indian proposal still stood, the Committee would have to make a decision on it. In that case, as his delegation had previously stated, the United States would be prepared to

accept it as a compromise solution. However, if the proposal was withdrawn as a result of the objection expressed by the representative of Benin, his delegation reiterated that item 155 should be allocated to the Sixth Committee.

107. Mr. ORDZHONIKIDZE (Russian Federation) said that his delegation supported the Indian proposal and proposed that the Committee should put it to a vote.

108. Mr. YASSIN (Sudan) proposed that a vote should be taken to decide whether item 155 should be considered in plenary meeting or allocated to the Sixth Committee. He considered that there was no difference between the Indian proposal and the United States proposal that item 155 should be allocated to the Sixth Committee.

109. The CHAIRMAN said that, before a vote was held as a last resort, the Committee should try to reach a consensus.

110. Mr. LEGAL (France) recalled that, precisely because the Committee's deliberations must be of a democratic nature, the fact that 87 Member States supported a particular proposal did not mean that another group of countries could not express its opinion on the subject. France insisted on presenting its position, without desiring to impose it, and was not opposed to the holding of a vote.

111. His delegation considered that the Indian proposal was reasonable and should not be construed as a delaying measure, since the Sixth Committee would be able to consider item 155 quickly. No valid argument had been put forward to show that there was any particular urgency to the request from the International Federation of Red Cross and Red Crescent Societies, so he did not think the Federation's activities would be disrupted if the General Assembly took a few weeks to give careful consideration to that delicate question.

112. Ms. WILMSHURST (United Kingdom of Great Britain and Northern Ireland) said she understood the concern felt by the sponsors of item 155 that the adoption of a decision on the subject might be delayed if the item should be referred to the Sixth Committee. Her delegation therefore proposed that, in the wording of the Indian proposal, it should also be clearly stated that a decision must be adopted during the current session of the General Assembly.

113. Mr. ROWE (Australia), praising the Chairman's efforts to find a solution to the problem, added that he would be unable to give an immediate response because he would have to consult with the other sponsors.

The meeting was suspended at 5.30 p.m. and resumed at 5.40 p.m.

114. The CHAIRMAN suggested that the Committee should postpone its decision regarding the allocation of item 155 to give the sponsors more time for consultations.

115. It was so decided.

Paragraph 47

116. The CHAIRMAN said that the sponsor of item 160 had proposed that it should be allocated to the Sixth Committee.

117. The Committee decided to recommend to the General Assembly that item 160 should be allocated to the Sixth Committee.

Paragraph 48

118. The Committee decided to recommend that the General Assembly should adopt the proposals in paragraph 48 of the Secretary-General's memorandum relating to item 12.

119. The CHAIRMAN said that in paragraph 48, also in connection with item 12, the Secretary-General referred to Economic and Social Council decision 1994/285 of 26 July 1994, regarding the commemoration of the twenty-fifth anniversary of the operations of the United Nations Population Fund.

120. The Committee decided to recommend that the commemoration should take place on Thursday, 20 October 1994.

Paragraph 49

121. The Committee decided, with regard to item 18, to recommend to the General Assembly that all the chapters of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to specific Territories should be referred to the Special Political and Decolonization Committee (Fourth Committee), and that the Assembly would deal in plenary meeting with the question of the implementation of the Declaration as a whole.

Paragraph 50

122. The Committee decided to recommend that, as at previous sessions, item 45 should be considered directly in plenary meeting, on the understanding that organizations and individuals having an interest in the question would be heard in the Special Political and Decolonization Committee (Fourth Committee) in conjunction with its consideration in plenary meeting.

Paragraph 51

123. The Committee decided to recommend to the General Assembly that item 51 should be allocated at an appropriate time during the session.

Paragraph 52

124. The Committee decided to recommend to the General Assembly that the paragraphs of the report of the International Atomic Energy Agency dealing with the subject-matter of item 63 should be drawn to the attention of the First Committee in connection with its consideration of that item.

Paragraph 53

125. Mr. SREENIVASAN (India) proposed that the Committee should defer its decision on the allocation of item 94 to allow the Group of 77 the opportunity to consider the views of some of the developing countries on the matter.

126. It was so decided.

Paragraph 54

127. The Committee decided to recommend that the plenary meetings to be devoted to activities relating to the International Year of the Family should be held on Tuesday, 18 October 1994.

128. The CHAIRMAN said, with regard to the Committee's earlier decision to recommend that sub-item (c) of item 90 entitled "Report of the International Conference on Population and Development" should become a separate item, that the representative of Pakistan had proposed that the item should be allocated to the Second Committee, but that it should be introduced in plenary meeting.

129. The Committee decided to recommend to the General Assembly that the item entitled "Report of the International Conference on Population and Development" should be introduced in plenary meeting, on the understanding that action on that item would be taken in the Second Committee.

Paragraph 55

130. The Committee decided to recommend to the General Assembly that the items proposed for consideration in plenary meeting, including the commemoration of the twenty-fifth anniversary of the founding of the United Nations Population Fund, the special plenary meetings devoted to An Agenda for Development, the two plenary meetings concerning the additional activities relating to the International Year of the Family and the discussion of the report of the International Conference on Population and Development, and including items 151, 152, 154, 157 and 159, but excluding item 51 (Question of Cyprus), bearing in mind that it had postponed a decision on item 155 (Observer status for the International Federation of Red Cross and Red Crescent Societies in the General Assembly), should be allocated to the plenary Assembly.

Items proposed for consideration by the First Committee

131. The Committee decided to recommend to the General Assembly that the items proposed for consideration by the First Committee, including item 156, should be allocated to that Committee.

Items proposed for consideration by the Second Committee

132. The Committee decided to recommend to the General Assembly that the items proposed for consideration by the Second Committee, including a separate item entitled "Report of the International Conference on Population and Development", should be allocated to that Committee, bearing in mind that item 94 would be considered at the next meeting of the General Committee.

Items proposed for consideration by the Third Committee

133. The Committee decided to recommend to the General Assembly that the items proposed for consideration by the Third Committee should be allocated to that Committee.

134. Mr. SENILOLI (Fiji), speaking on behalf of the Centre for Human Rights, proposed that a half-day plenary meeting at the forty-ninth session of the General Assembly should be devoted to item 12 allocated to that Committee, for the launching of the activities of the International Decade of the World's Indigenous People. The half day being requested should be as close as possible to 10 December 1994, the date on which the Decade would begin.

135. The CHAIRMAN said that he would hold consultations with the various services concerning the organization of the proposed special meeting.

Items proposed for consideration by the Fourth Committee

136. The Committee decided to recommend to the General Assembly that the items proposed for consideration by the Fourth Committee, including item 150, taking into account its decisions on the items entitled "Question of the Malagasy islands of Glorieuses, Juan de Nova, Europa and Bassas da India" and "Question of East Timor", should be allocated to that Committee.

Items proposed for consideration by the Fifth Committee

137. The Committee decided to recommend to the General Assembly that the items proposed for consideration by the Fifth Committee, including item 158, should be allocated to that Committee.

Items proposed for consideration by the Sixth Committee

138. The Committee decided to recommend to the General Assembly that the items proposed for consideration by the Sixth Committee, including item 160 (Question of criteria for the granting of observer status in the General Assembly), should be allocated to that Committee.

The meeting rose at 6 p.m.

UNITED NATIONS

General Assembly

FORTY-NINTH SESSION

Official Records

GENERAL COMMITTEE
3rd meeting
held on
Thursday, 13 October 1994
at 9.30 a.m.
New York

SUMMARY RECORD OF THE 3rd MEETING

Chairman: Mr. ESSY
(President of the General Assembly)

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The meeting was called to order at 9.45 a.m.

ORGANIZATION OF THE FORTY-NINTH REGULAR SESSION OF THE GENERAL ASSEMBLY, ADOPTION OF THE AGENDA AND ALLOCATION OF ITEMS: MEMORANDUM BY THE SECRETARY-GENERAL (A/BUR/49/1 and Add.1) (continued)

Allocation of items (continued)

Item 152

1. The CHAIRMAN reminded members that the Committee had decided at its 2nd meeting to defer its recommendation on the allocation of agenda item 152, "Observer status for the International Federation of Red Cross and Red Crescent Societies in the General Assembly". He invited them to decide on the compromise text of a recommendation agreed upon following informal consultations conducted by the Ambassador of Austria, Mr. Sucharipa.

2. The Committee decided to recommend to the General Assembly that it should consider item 152 directly in plenary meeting, on the understanding that no further question, beyond items 151 and 152, on the granting of observer status in the General Assembly to applicants other than intergovernmental organizations would be considered until criteria for the granting of such observer status had been established.

Item 92

3. The CHAIRMAN reminded members that in paragraph 53 of his memorandum (A/BUR/49/1) the Secretary-General had recalled resolution 48/166 of 21 December 1993 whereby the Assembly had decided, inter alia, to "hold special plenary meetings at a high level, to consider ways of promoting and giving political impetus to an agenda for development". As indicated in paragraph 45 (d) (i) of the first report of the General Committee (A/49/250), the Committee had decided at its 2nd meeting to defer consideration of the allocation of the item as a whole to a later date. He invited the members to take a decision on the text of a recommendation agreed upon following consultations conducted by the Ambassador of Fiji, Mr. Seniloli.

4. The Committee decided to recommend to the General Assembly that item 92 should be considered in special plenary meetings at a high level pursuant to resolution 48/166 of 21 December 1993, and that subsequent negotiation of the item should take place in the Second Committee.

5. Mr. ROSENSTOCK (United States of America) welcomed the compromise solution worked out by the delegation of Fiji, which was doubtless justified in the light of the very special circumstances of the case. However, the procedure adopted should not be applied in other contexts, as it appeared to require the item to be considered twice in plenary meetings.

Item 89 (d)

6. The CHAIRMAN drew attention to a letter dated 4 October 1994 from the Chairman of the Second Committee to the President of the General Assembly, contained in document A/49/483, informing him that, at its 2nd meeting, the Second Committee had decided to recommend to the General Assembly that the general discussion of sub-item (d) of agenda item 89, entitled "Elaboration of an international convention to combat desertification in those countries experiencing serious drought and/or desertification, particularly in Africa", should be held in a plenary meeting of the General Assembly on the understanding that action would be taken in the Second Committee.

7. That recommendation would require the General Committee to reconsider the allocation of sub-item (d) of agenda item 89 under rule 123 of the rules of procedure. The Assembly would have to take similar action under rule 81 of the rules of procedure.

8. It was so decided.

9. The Committee decided to recommend to the General Assembly that it should reconsider its recommendation on the allocation of sub-item (d) of agenda item 89 and decide to hold the debate directly in plenary meeting, on the understanding that action on the sub-item would be taken in the Second Committee.

10. Mr. LEGAL (France) expressed surprise at the somewhat unusual and controversial procedure just adopted and its possible implications for the organization of work. Allocation of items was a matter, not for the Committees of the General Assembly, but for the General Committee. The effect of the procedure adopted was to place the agenda of the plenary Assembly in the hands of the Committees. While that procedure had been adopted for legitimate and entirely comprehensible reasons, he hoped that in future, recommendations of that kind would be made only in exceptional cases, and that they would be confined to a strict minimum.

Item 89 (e)

11. The CHAIRMAN drew attention to a letter dated 7 October 1994 from the Chairman of the Second Committee to the President of the General Assembly, contained in document A/49/494, informing him that, at its 3rd meeting, the Second Committee had decided to recommend to the General Assembly that the general discussion of sub-item (e) of agenda item 89, entitled "Global Conference on the Sustainable Development of Small Island Developing States", should be held in a plenary meeting of the General Assembly on the understanding that action would be taken in the Second Committee.

12. That recommendation would require the General Committee to reconsider the allocation of sub-item (e) of agenda item 89 under rule 123 of the rules of

procedure. The General Assembly would have to take a similar decision under rule 81 of the rules of procedure.

13. It was so decided.

14. The General Committee decided to recommend to the General Assembly that it should reconsider its recommendation on the allocation of sub-item (e) of agenda item 89 and decide to hold the debate directly in plenary meeting, on the understanding that action on the sub-item would be taken in the Second Committee.

Request for the inclusion of an additional sub-item submitted by Afghanistan (A/49/232)

15. The CHAIRMAN invited the Committee to consider the request by Afghanistan for the inclusion of an additional sub-item entitled "Emergency international assistance for peace, normalcy and reconstruction of war-stricken Afghanistan" in the agenda of the current session.

16. The representative of Afghanistan had indicated his desire to address the Committee on the matter in accordance with rule 43 of the rules of procedure.

17. At the invitation of the Chairman, Mr. Ghafoorzai (Afghanistan) took a place at the Committee table.

18. Mr. GHAFOORZAI (Afghanistan) said that during the forty-seventh session of the General Assembly, with the ending of 14 years of war in Afghanistan and the establishment of an Islamic State, the question of the reconstruction of that war-stricken State had been discussed. At the end of the forty-seventh session, the question had been referred to a subsequent session of the General Assembly. In the light of some unfortunate disturbances of security and peace in and around the capital, it had been felt that the title of the item should be modified so as to allow international assistance to be given to Afghanistan to ensure peace and normalcy, and as a result, the question of "Emergency international assistance for peace, normalcy and reconstruction of the war-stricken Afghanistan" had appeared as item 41 on the agenda of the forty-eighth session of the General Assembly.

19. During its forty-eighth session, the General Assembly had adopted resolution 48/208, which, inter alia, called for the appointment by the Secretary-General of a special mission which was subsequently dispatched to Afghanistan to canvass Afghan opinion on how the United Nations could best facilitate national reconciliation and understanding. The report of that mission was due to be submitted to the General Assembly shortly, probably in mid-November 1994.

20. At the forty-eighth session of the General Assembly, it had been decided that all items concerning special economic assistance should be discussed at the forty-ninth session of the General Assembly under agenda item 37. As a result of that decision, the item he was now resubmitting did not appear as a separate

item on the agenda of the forty-ninth session. Although there were many sound reasons for requesting that it should be included as an independent and separate item, his delegation had decided, in the light of the decisions taken by the General Assembly concerning the restructuring of the United Nations, not to insist on that course of action at the present time. However, on the basis of the reasons set forth in the explanatory memorandum contained in document A/49/232, it was requesting the General Committee to permit the discussion of "Emergency international assistance for peace, normalcy and reconstruction of war-stricken Afghanistan" as a separate sub-item (e) of item 37.

21. The Committee decided to recommend that the General Assembly should include the additional sub-item as sub-item (e) of agenda item 37.

22. The Committee decided to recommend to the General Assembly that the sub-item should be considered directly in plenary meeting.

The meeting rose at 10.10 a.m.

UNITED NATIONS

General Assembly

FORTY-NINTH SESSION

Official Records

GENERAL COMMITTEE
4th meeting
held on
Friday, 28 October 1994
at 9.30 a.m.
New York

SUMMARY RECORD OF THE 4th MEETING

Chairman: Mr. ESSY
(President of the General Assembly)

later: Mr. TOURÉ
(Vice-President of the General Assembly)

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ADOPTION OF THE AGENDA OF THE FORTY-NINTH REGULAR SESSION OF THE GENERAL ASSEMBLY AND ALLOCATION OF ITEMS (continued)

Request for the inclusion of an additional sub-item submitted by Rwanda

Request for the inclusion of an additional sub-item submitted by Zaire

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Distr. GENERAL
A/BUR/49/SR.4
11 November 1994

ORIGINAL: ENGLISH

94-81842 (E)

The meeting was called to order at 9.40 a.m.

ADOPTION OF THE AGENDA OF THE FORTY-NINTH REGULAR SESSION OF THE GENERAL ASSEMBLY AND ALLOCATION OF ITEMS (continued)

Request for the inclusion of an additional sub-item submitted by Rwanda (A/49/233)

1. The CHAIRMAN invited the Committee to consider a request for the inclusion of an additional sub-item entitled "Emergency international assistance for a solution to the problem of refugees, the restoration of total peace, reconstruction and socio-economic development in war-stricken Rwanda", contained in document A/49/233. The representative of Rwanda had asked to address the Committee on that matter in accordance with rule 43 of the rules of procedure.

2. At the invitation of the Chairman, Mr. Bakuramutsa (Rwanda) took a place at the Committee table.

3. Mr. BAKURAMUTSA (Rwanda) said that the spirit of the Arusha Peace Agreement signed on 4 August 1993 had been betrayed following the death of former President Juvenal Habyarimana on 6 April 1994. There was no need to dwell on the neo-nazism of the toppled regime or the tragedy which had culminated in the genocide of the Tutsi people. As a result of the four-year war, Rwanda was devastated socially, economically, financially and in terms of its human resources. It would long suffer the consequences of the deaths by genocide and other causes, all social classes, including the various élite groups, having been affected.

4. The Rwandese delegation expressed its profound gratitude to the Secretary-General of the United Nations for his efforts in bringing the humanitarian crisis in Rwanda to the attention of the international community, and to neighbouring and other States for the humanitarian assistance they had given to the Rwandese people.

5. Rwanda implored donor Governments, international organizations, intergovernmental organizations and non-governmental organizations to implement assistance programmes for Rwanda as a matter of urgency. The economic and financial catastrophe that had afflicted Rwanda meant that the Government did not have the funds to re-establish even the most rudimentary administration or to pay its officials. Hence the pressing need to organize bridging assistance to provide subsidies via bilateral channels and/or through international financial institutions. The present request by Rwanda would allow bilateral donors to study ways and means of assisting the Rwandese Government to settle the problem of its arrears to the World Bank and would add weight to the request to Member States to make generous contributions to the trust fund set up on 14 July 1994 to finance humanitarian aid and recovery programmes in Rwanda.

6. Mr. BEN HAMIDA (Tunisia), Mr. TOURÉ (Guinea-Bissau) and Mr. NKATIBIRORA (Burundi) endorsed the inclusion of the sub-item in the agenda.

7. The Committee decided to recommend that the General Assembly should include the additional sub-item as sub-item (f) of agenda item 37.

8. The Committee decided to recommend to the General Assembly that the sub-item should be considered directly in plenary meeting.

9. Mr. Bakuramutsa (Rwanda) withdrew.

Request for the inclusion of an additional sub-item submitted by Zaire (A/49/235)

10. The CHAIRMAN invited the Committee to consider a request for the inclusion of an additional sub-item entitled "Special assistance to countries receiving refugees from Rwanda," contained in document A/49/235. The representative of Zaire had asked to address the Committee on that matter in accordance with rule 43 of the rules of procedure.

11. At the invitation of the Chairman, Mr. Lukabu Khabouji N'Zaji (Zaire) took a place at the Committee table.

12. Mr. LUKABU KHABOUJI N'ZAJI (Zaire) said that the war in Rwanda had had grave political, economic, social and environmental repercussions for neighbouring countries, and the sufferings of the local populations which had welcomed the Rwandese refugees had not been given adequate consideration. He therefore asked that the question of aid to all countries that had received Rwandese refugees should be included in the agenda and discussed in plenary meeting.

13. Mr. Touré (Guinea-Bissau), Vice-President of the General Assembly, took the Chair.

14. Mr. BEN HAMIDA (Tunisia), Mr. MATUPA (Malawi), Mr. LEUNG (Fiji), and Mr. ELTINAY (Sudan) endorsed the inclusion of the sub-item in the agenda.

15. Mr. NKATIBIRORA (Burundi) after endorsing the inclusion of the sub-item in the agenda, drew attention to the proposed regional conference to study the question of assistance to refugees, returnees and displaced persons in the Great Lakes region and welcomed the United Nations Secretary-General's dispatch of a mission designed to facilitate the holding of an international conference on the subregion's problems.

16. The Committee decided to recommend that the General Assembly should include the additional sub-item as sub-item (g) of agenda item 37.

17. The Committee decided to recommend to the General Assembly that the sub-item should be considered directly in plenary meeting.

The meeting rose at 10.20 a.m.

UNITED NATIONS

General Assembly

FORTY-NINTH SESSION

Official Records

GENERAL COMMITTEE
5th meeting
held on
Friday, 4 November 1994
at 9.30 a.m.
New York

SUMMARY RECORD OF THE 5th MEETING

Chairman: Mr. BIEGMAN
(Vice-President of the General Assembly)

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ADOPTION OF THE AGENDA OF THE FORTY-NINTH REGULAR SESSION OF THE GENERAL ASSEMBLY AND ALLOCATION OF ITEMS (continued)

Request for the inclusion of an additional item submitted by Italy

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Distr. GENERAL
A/BUR/49/SR.5
29 November 1994

ORIGINAL: ENGLISH

94-82031 (E)

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In the absence of Mr. Essy (President of the General Assembly), Mr. Biegman (Vice-President of the General Assembly) took the Chair.

The meeting was called to order at 9.45 a.m.

ADOPTION OF THE AGENDA OF THE FORTY-NINTH REGULAR SESSION OF THE GENERAL ASSEMBLY AND ALLOCATION OF ITEMS (continued)

Request for the inclusion of an additional item submitted by Italy (A/49/234 and Add.1)

1. The CHAIRMAN invited the Committee to consider a request for the inclusion of an additional item entitled "Capital punishment".

2. The representative of Italy had asked to address the Committee, in accordance with rule 43 of the rules of procedure.

3. At the invitation of the Chairman, Mr. Fulci (Italy) took a place at the Committee table.

4. Mr. FULCI (Italy), speaking also on behalf of Andorra, Austria, Bolivia, Cambodia, Cape Verde, Costa Rica, Croatia, Cyprus, Dominican Republic, Ecuador, Gambia, Greece, Guinea-Bissau, Haiti, Honduras, Italy, Malta, Marshall Islands, Micronesia, Monaco, Namibia, Nicaragua, Panama, Paraguay, Portugal, Romania, San Marino, Solomon Islands, Sweden, Uruguay, Vanuatu and Venezuela, introduced the request contained in documents A/49/234 and Add.1. He stressed that capital punishment was an important and urgent matter - important because it was currently a topic of debate all over the world and urgent because, even as he spoke, death sentences were being handed down and human beings were being executed.

5. Italy was leading the initiative for a number of reasons. First, its Parliament had passed a motion instructing the Government to submit a request for inclusion of the agenda item - a decision which reflected the sentiment of the overwhelming majority of Italians. Second, other initiatives had been taken, including the resolution adopted by the Parliamentary Assembly of the Council of Europe a few weeks earlier, calling on all States which had not yet done so to abolish capital punishment and the letter sent by the Secretary-General of the United Nations in September urging Governments of the countries which had not yet done so to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. He was pleased to announce that, only days earlier, the Second Optional Protocol had been approved by the Italian Chamber of Deputies and sent to the Senate for final approval. Italy had recently abolished the death penalty for crimes committed in time of war under military law.

6. The sponsors of the draft resolution were well aware that the issue was controversial and that the legislation of many countries provided for capital punishment. In a deliberate attempt to avoid exerting pressure on delegations, a draft resolution had been appended to the request. The language of the resolution demonstrated that its sponsors did not wish to meddle in the internal affairs of other States. Suggestions and amendments would be welcome. It was their sincere hope that the Committee would not deny Member States the opportunity to express their views on a sensitive issue which enjoyed strong public support and was crucial to the protection of human rights.

7. The CHAIRMAN said that the representative of Honduras had asked to participate in the discussion, in accordance with rule 43 of the rules of procedure.

8. At the invitation of the Chairman, Mr. Rendón Barnica (Honduras) took a place at the Committee table.

9. Mr. RENDÓN BARNICA (Honduras) expressed his delegation's support for the request submitted by Italy. The abolition of capital punishment would help to ensure the progressive development of individual rights and the full effectiveness of the International Covenant on Civil and Political Rights, in particular article 6, which affirmed the inherent right to life and imposed limitations on the enforcement of capital punishment in those States which had not yet abolished it. Growing international public opinion against capital punishment had been manifested, as evidenced by the adoption of General Assembly resolutions 2857 and 32/61, which reiterated the desirability of abolishing capital punishment in all countries, and of the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (General Assembly resolution 44/128, annex). The adoption by consensus of the last-mentioned resolution and its endorsement by the Economic and Social Council attested to the wide support which abolition of the death penalty currently enjoyed at the international level. The death sentence, which violated the right to life, proclaimed in article 3 of the Universal Declaration of Human Rights, was a degrading and inhuman form of punishment. It had been abolished in Honduras in 1956 and carried out there for the last time in 1940.

10. The request for the inclusion of an additional item was by no means intended to pressure States into abolishing capital punishment or adhering to the Second Optional Protocol. Rather, it reflected a growing tide of public opinion which had resulted in the adoption of national legislation and the conclusion of regional agreements. Referring to article 6 (5) of the International Covenant on Civil and Political Rights, he urged all countries where capital punishment was still legal not to impose the death penalty on pregnant women, or on persons below 18 years of age, who were not sufficiently mature to understand the seriousness of their acts.

11. Mr. PIRIZ-BALLON (Uruguay) expressed his delegation's support for the inclusion of the proposed item. Not only did his delegation disagree with the school of thought that regarded capital punishment as the most effective deterrent to crime but it also opposed the practice on principle. The Uruguayan

Constitution expressly prohibited capital punishment. His delegation urged States gradually to amend their national legislation with a view to abolishing capital punishment completely.

12. Mr. MANZ (Austria) said that his delegation, which had always called for the abolition of capital punishment world wide, fully supported the Italian initiative.

13. Mr. YASSIN (Sudan) said that the Italian request had taken his delegation by surprise. It could not agree to the proposed agenda item because capital punishment was a divine right according to some religions, in particular Islam. His delegation acknowledged that the request had its legal basis in the human rights instruments; however, capital punishment was enshrined in the Koran and millions of inhabitants of the Muslim world believed that it was a teaching of God. Moreover, unlike common law, which provided only a limited number of defences for persons accused of crimes punishable by death, Islamic law provided for some 85 defences and should be seen in that context.

14. Mr. CISSÉ (Senegal), Chairman of the Third Committee, said it was his understanding that the question of capital punishment was to be included as a sub-item of agenda item 100 entitled "Human rights questions", which had been allocated to the Third Committee.

15. Mr. TOURÉ (Guinea-Bissau) said that the countries which had submitted the request and the draft resolution were convinced that the General Assembly would call on the international community to find a rapid and effective solution to the problem of capital punishment, particularly in countries whose administrative and judicial institutions were inadequate or poorly organized. The move to abolish capital punishment reflected the Organization's efforts to combat the human errors caused by judicial and administrative injustice. International solidarity was the only viable approach to the abolition of capital punishment. Rich and poor nations must forge an alliance based on a desire to create a new type of humanism, a new type of relationship between States and between individuals, and a climate of trust and cooperation. Guinea-Bissau had recently adopted a law abolishing capital punishment, further consolidating its new democracy and safeguarding the individual rights of its citizens. His delegation supported the inclusion of the agenda item.

16. Mr. SINUNGURUZA (Burundi) said that the inclusion of the agenda item marked an important phase in the implementation of the principles contained in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. Under the Constitution of Burundi, the right to life was sacred and inviolable and those who violated that right were subject to capital punishment. In recent years, however, death sentences had not been executed. Given the divergence of views in the Committee, perhaps further consultations were necessary. His delegation could support the inclusion of the agenda item.

17. Mr. FULCI (Italy) said that he wished to clarify to the representative of the Sudan that it had not been his delegation's intention to take anyone by surprise. In fact, he had personally informed the ambassador of each country represented on the General Committee that his delegation would be submitting a request for an additional item. Aware that the Third Committee was seeking to rationalize its work, his delegation, in a spirit of compromise, could agree to the suggestion by the Chairman of the Third Committee that capital punishment should be included as a sub-item of agenda item 100, rather than as a separate additional item, provided that it appeared as sub-item (e) and was entitled "Capital punishment".

18. Mr. YASSIN (Sudan) said that his delegation was also opposed to the inclusion of a sub-item under agenda item 100.

19. The CHAIRMAN said that it might be necessary to depart from the Committee's standard practice and decide the question by a vote.

20. Mr. ORDZHONIKIDZE (Russian Federation) said that the matter was purely procedural and should be decided without taking a vote. Once that procedural decision was taken, delegations wishing to express their views could do so in the Third Committee.

21. Mr. KHAN (Pakistan), supported by Mr. CHEN Wangxia (China) and Mrs. VASISHT (India), proposed that the Committee should defer its decision, as it had done with regard to the items on an agenda for development and observer status for the Sovereign Military Order of Malta.

The meeting was suspended at 10.20 a.m. and resumed at 10.25 a.m.

22. Mr. YASSIN (Sudan) expressed support for the Pakistan proposal.

23. Mr. ROSENSTOCK (United States of America) urged the Committee to defer action for a few days in order to reach a consensus and said that his delegation strongly supported the Pakistan proposal.

24. The CHAIRMAN said that the Committee would resume consideration of the request within one week.

The meeting rose at 10.30 a.m.

UNITED NATIONS

General Assembly

FORTY-NINTH SESSION

Official Records

GENERAL COMMITTEE
6th meeting
held on
Monday, 7 November 1994
at 5.30 p.m.
New York

SUMMARY RECORD OF THE 6th MEETING

Chairman: Mr. BIEGMAN
(Vice-President of the General Assembly)

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ADOPTION OF THE AGENDA OF THE FORTY-NINTH REGULAR SESSION OF THE GENERAL ASSEMBLY AND ALLOCATION OF ITEMS (continued)

Request for the inclusion of an additional item submitted by Italy (continued)

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Distr. GENERAL
A/BUR/49/SR.6
30 November 1994

ORIGINAL: ENGLISH

94-82070 (E)

In the absence of Mr. Essy (President of the General Assembly), Mr. Biegman (Vice-President of the General Assembly) took the Chair.

The meeting was called to order at 5.55 p.m.

ADOPTION OF THE AGENDA OF THE FORTY-NINTH REGULAR SESSION OF THE GENERAL ASSEMBLY AND ALLOCATION OF ITEMS (continued)

Request for the inclusion of an additional item submitted by Italy (continued) (A/49/234 and Add.1)

1. The CHAIRMAN invited the Committee to resume its consideration of a request by a number of countries for the inclusion of an additional item entitled "Capital punishment", contained in document A/49/234 and Add.1. At its 5th meeting the Committee had decided to defer its recommendation on the request.

2. Mr. KHAN (Pakistan), speaking as Chairman of the Islamic Conference of Foreign Ministers of the Organization of the Islamic Conference (OIC), said that OIC members had met that morning to discuss the request contained in documents A/49/234 and Add.1. While recognizing the right of States to request the inclusion of additional items, OIC was of the view that the request pertained to a highly sensitive and complicated issue, and warranted further and thorough consideration. OIC was not in favour of including the additional item. However, if a decision was taken to include it, the Sixth Committee would be the only appropriate forum for its consideration, as the question was legal in nature and had nothing to do with human rights. In that context, the Chairman of OIC had addressed a letter to the Chairman of the General Committee. In the interest of achieving consensus on the issue, OIC had also requested the countries which had signed the request to consider allocating the additional item to the Sixth Committee.

3. The CHAIRMAN said that the representative of Italy had asked to participate in the discussion, in accordance with rule 43 of the rules of procedure.

4. At the invitation of the Chairman, Mr. Fulci (Italy) took a place at the Committee table.

5. Mr. FULCI (Italy) announced that Mexico had become the thirty-third country to sign the request for the inclusion of capital punishment in the agenda of the General Assembly. He wished to confirm that, in a spirit of compromise, the submitting countries were willing to accept the proposal put forward at the Committee's 5th meeting by Mr. Cisse (Senegal), the Chairman of the Third Committee. Under that proposal, the question of capital punishment would become sub-item (e) of agenda item 100 entitled "Human rights questions", which had already been allocated to the Third Committee. Unfortunately, he had specific instructions from his Government, to make no further concessions. In particular, the allocation of the question to the Sixth Committee, rather than

to the Third Committee, was unacceptable for the following three reasons: first, capital punishment had always been debated by the Third Committee as a human rights issue. A change of forum at that point would be extremely difficult to explain to the Italian Parliament and public. Second, if the question were allocated to the Sixth Committee, it would require the addition of a separate agenda item, which would create the very problem the Senegalese proposal sought to resolve. Third, it was the practice of the Sixth Committee to finish its work by the week of Thanksgiving, in other words, in less than two weeks from the current date. That hardly allowed time for the 33 countries which had signed the request to express their views on such an important issue.

6. Under those circumstances, the only alternative was to defer consideration of the question until the following General Assembly, which ran counter to the mandate he had received from the Italian Parliament. It was his strong hope that the recommendation to include the item and to allocate it to the Third Committee as sub-item 100 (e) would be adopted by consensus. However, if that proved impossible, a vote should be taken at that meeting. In the past five years, precedents had been set for proceeding to such a vote in the General Committee.

7. Mr. SISOWATH (Cambodia) said that his delegation fully supported the inclusion of the additional item. After more than two decades of senseless killings and suffering, the new democratically elected Cambodian Parliament had abolished capital punishment. The decision had been taken after a lengthy debate and had been strongly recommended by representatives of the international community who had participated in the United Nations Transitional Authority in Cambodia (UNTAC). As a Buddhist country, Cambodia practised tolerance and believed that only God had the divine right to take away human life. As the Khmer Rouge continued to wage war and massacre innocent civilians, the issue had once again become the topic of a lengthy debate in the Parliament. The abolition of capital punishment was enshrined in the new Constitution and was strongly supported by the King and the Government in the interest of national reconciliation. Cambodia was the only country in South-East Asia which had a permanent resident representative of the United Nations Assistant Secretary-General for Human Rights.

8. The request for inclusion of the additional item and the draft resolution appended to it were not intended to criticize or condemn Member States, but rather to emphasize that human life was precious. Participants in the discussion, particularly countries like Cambodia which had signed the request, felt very strongly that the issue should be thoroughly debated by the international community. His delegation supported the inclusion of capital punishment as sub-item (e) under agenda item 100 and hoped that the draft resolution would be adopted by consensus.

9. The CHAIRMAN said that the representative of the Islamic Republic of Iran had asked to participate in the discussion. If he heard no objection, he would take it that the Committee wished to accede to that request.

10. At the invitation of the Chairman, Mr. Khoshroo (Islamic Republic of Iran) took a place at the Committee table.

11. Mr. KHOSHROO (Islamic Republic of Iran) said that compassion for persons sentenced to death - even if such persons had been duly tried and convicted - was deeply rooted in the Islamic system of criminal justice. None the less, Islam recognized the legitimacy of capital punishment for a limited number of heinous crimes as a means of defending the safety, integrity and well-being of society at large. As his country applied the rule of Islamic law, it opposed any attempt to abolish capital punishment globally. Capital punishment was the most effective deterrent to crime, particularly in the complex modern world. His delegation opposed the inclusion of an additional item on substantive grounds.

12. The CHAIRMAN said that the representative of Malaysia had asked to participate in the discussion. If he heard no objection, he would take it that the Committee wished to accede to that request.

13. At the invitation of the Chairman, Ms. Ariffin (Malaysia) took a place at the Committee table.

14. Ms. ARIFFIN (Malaysia) said that her delegation was opposed to the inclusion of the additional item, as it completely ignored the cultural diversity of States and of national legal systems. Every State had the sovereign right to choose the most appropriate penal system in response to the needs of its society. It was regrettable that the countries which had signed the request were seeking action by the General Assembly in a hasty manner without allowing an opportunity for further consultation on an issue that was not urgent. Her delegation preferred to see a decision taken by consensus but, failing that, believed that the most appropriate forum for consideration of what was clearly a legal issue was not the Third Committee, but rather the Sixth Committee.

15. The CHAIRMAN said that the representative of Andorra had asked to participate in the discussion, in accordance with rule 43 of the rules of procedure.

16. At the invitation of the Chairman, Mr. Minoves-Triquell (Andorra) took a place at the Committee table.

17. Mr. MINOVES-TRIQUELL (Andorra) said that, for centuries, Andorrans had been concerned about matters of human dignity, perhaps because human life was deeply cherished in such a small and close-knit country. The last pronouncement of the death sentence in 1945 had sent a shock wave through society and was still a topic of Andorran literature. The death sentence had been formally abolished in 1990 and was prohibited by the Constitution of 1993. His delegation hoped that the recommendation to include capital punishment as sub-item (e) under agenda item 100 would be adopted by consensus.

18. Mr. YASSIN (Sudan) said that, at the outset, his delegation had been opposed to inclusion of an item on capital punishment in any form. However, in the interest of maintaining the Committee's tradition of consensus, it was willing to make a concession and agree to consideration of the item, by the Sixth Committee, which had the legal expertise to deal with it. With all due respect to the representative of Italy, when addressing an international forum, one should not make reference to the instructions of national parliaments or attempt to impose their will on the international community. The countries which had signed the request were not making any concession at all in agreeing to allocate the item to the Third Committee rather than to the plenary, for in the explanatory memorandum contained in the annex to document A/49/234, they had already named the Third Committee as the most appropriate forum. In any case, the question would ultimately be referred to the plenary whether it was debated in the Third Committee or the Sixth Committee. In conclusion, any debate on the item should be characterized by respect for the sovereignty of States.

19. Mr. PIRIZ-BALLON (Uruguay) said that the failure of all efforts to achieve compromise merely illustrated that capital punishment was a passionate issue for both Governments and public opinion. His delegation insisted that the question should be included in the agenda of the forty-ninth session and was in favour of the compromise arrangement whereby it would become a sub-item of agenda item 100 allocated to the Third Committee. As a sponsor of the draft resolution, Uruguay did not seek to impose policies or measures on other States, for whose internal jurisdiction it had the greatest respect. It had equal respect for Islamic beliefs and jurisprudence on which the arguments of the Sudan and other Muslim countries were founded and believed that public opinion would appreciate those arguments as well. He appealed to the representatives of the Islamic countries not to oppose a debate of the question in the Third Committee, where delegations would have an opportunity to express their divergent views. Consensus would be an ideal situation but it should not become a paralysing tactic comparable to the veto. If no consensus was achieved, his delegation would be in favour of deciding the question by a vote.

20. The CHAIRMAN said that the representative of Malta had asked to participate in the discussion of the item in accordance with rule 43 of the rules of procedure.

21. At the invitation of the Chairman, Mr. Cassar (Malta) took a place at the Committee table.

22. Mr. CASSAR (Malta) said that he and the other signatories of the letter dated 21 October 1994 and addressed to the Secretary-General (A/49/234) had been deeply aware of the cultural diversity and varying legal systems in different States; he believed that the draft resolution reflected that awareness. That did not mean, however, that the General Assembly could not or should not discuss an international evolution to a common position. Sensitivity to cultural diversity had led the signatories to recommend that the question should be assigned to the Third Committee. The views of those opposing the inclusion of the item in the agenda deserved respect, but the most weight should be given to the statement by the representative of Cambodia, a country which had undergone

great hardship, from which the importance of the right to life could be fully understood in a situation where it was so easily trampled underfoot. Recalling that the current discussion was purely procedural, he urged the Committee to agree on the inclusion of the item by consensus. All would be subsequently free to argue the substance within the Third Committee.

23. Mr. SUCHARIPA (Austria) supported that view. Capital punishment was an extremely important issue which merited discussion, and he was grateful to the Italian Government and parliament for initiating the debate on including it in the agenda. He reminded the Committee of the democratic traditions of the United Nations, under which the initiators of requests had the right to have the issues in question discussed in depth by the General Assembly. The main purpose of the current discussion was that the General Assembly should have sufficient time to discuss the matter. All other issues - such as how best to proceed or which Committee should have the item assigned to it - were secondary. His country had supported the request for capital punishment to be included as a separate agenda item, in view of its importance. It was also ready to accept its inclusion as a sub-item. It was not appropriate to assign the item to the Sixth Committee, since that Committee, although dealing with legal matters, was concerned above all with the relationships between States. In any case the Third Committee also dealt with legal questions. In order to achieve consensus he put forward another possible course of action. Agenda item 100 (a) dealt with the implementation of human rights instruments. Given that there existed the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, he thought that, if adequately treated, the issue of capital punishment could be included under that sub-item. If his suggestion proved unacceptable he feared that the Committee would inevitably have to proceed to a vote.

24. Mr. VILCHEZ ASHER (Nicaragua) said that the inclusion of the item in the agenda meant simply that the United Nations would have the opportunity to examine the issue of capital punishment, with all sides presenting their arguments for or against. He believed that the draft resolution had quite enough flexibility to ensure that no country need go against its policies, beliefs or traditions. His delegation supported the compromise whereby the item should be assigned to the Third Committee as a sub-item under agenda item 100. If consensus on that compromise was not reached, he supported the representative of Uruguay in the belief that the issue would have to go to a vote.

25. The CHAIRMAN said that the representative of Egypt had asked to participate in the discussion. If he heard no objection, he would take it that the Committee wished to accede to that request.

26. At the invitation of the Chairman, Mr. Eldeeb (Egypt) took a place at the Committee table.

27. Mr. ELDEEB (Egypt) was in sympathy with the statements that had been made in favour of strengthening human rights. His delegation's position was that capital punishment was itself supportive of human rights. Given the importance of the right to life, capital punishment, if applied only when it was necessary

to eliminate crime, could contribute to saving life: a potential murderer might think twice about putting an end to another person's life if his own life was forfeit. Islamic legislation, which was based on the Koran, sought to preserve human life. He added that capital punishment existed in many countries, which sought thereby to combat crime. With regard to the suggestion to include the matter under agenda item 100 (a), making use of the Second Optional Protocol to the International Covenant on Civil and Political Rights, he pointed out that the optional nature of the Protocol existed precisely because, depending on their religious or cultural systems, countries were free to subscribe to it or not. That freedom would be violated if the matter were discussed in those terms at the General Assembly and would therefore be an attack on human rights. If the General Assembly did decide to discuss the issue, it should be assigned not to the Third Committee, but to the Sixth, since capital punishment - whether its application or its abolition - was fundamental to the legal system of States in various countries and should therefore be discussed by the Committee concerned with legal matters.

28. Mr. LEGAL (France) said that he would not speak about the substance of the initiative, since that would be out of place at a procedural meeting. If it came to a vote, his country would vote for the inclusion of capital punishment in the agenda. He added that he found very curious the proposal that if it was included it should be assigned to the Sixth Committee. It would be absurd to suggest that all legal matters should be dealt with by the Sixth Committee; the Third Committee dealt with the legal aspects of human rights all day long. If all legal human rights instruments were referred to the Sixth Committee, the Third Committee would have nothing left to do and the Sixth Committee, its programme already overloaded, would be busier than ever. Moreover, the proposal betrayed great inconsistency: the Sixth Committee concerned itself with international law, yet those proposing to assign the issue of capital punishment to it insisted that their State sovereignty was at risk and that there was interference with their domestic criminal legislation. He added that it was extremely restrictive to say that the right to life had nothing to do with human rights.

29. Mr. FULCI (Italy) said that he had listened with great attention and respect to all the statements that had been made, but the one made by the representative of Cambodia had been deeply moving. He associated himself with other speakers in recalling that the issue at hand was of procedure, not substance. As for the compromise suggested by the representative of Austria, he had proposed a solution along those lines to his authorities, but they had pointed out that the General Assembly had not discussed the issue for five years and that it was time for it to be discussed in specific terms. All that was required was for the two words "capital punishment" to appear as agenda item 100 (e).

30. The CHAIRMAN noted that some measure of consensus could be achieved if the two aspects of the issue before the Committee - namely its inclusion as an item in the agenda at all and, if so, to which Committee it should be assigned - could be considered separately. On the first aspect he detected the will for compromise. He therefore took it that it was the wish of the General Committee

to recommend the inclusion of the additional item in the agenda of the current session.

31. It was so decided.

32. The CHAIRMAN said that he would gladly suspend the meeting if he saw any hope of reaching agreement on whether the matter should be assigned to the Sixth Committee or as a sub-item to the Third Committee. He saw no such hope, however. He therefore invited the members of the Committee to vote by show of hands on the allocation of the item to the Third Committee.

33. The proposal was adopted by 17 votes to none, with 3 abstentions.

34. The Committee decided to recommend that the item entitled "Capital punishment" should be allocated to the Third Committee as sub-item (e) of agenda item 100 (Human rights questions).

35. Mr. KHAN (Pakistan) wished it to be recorded that his delegation had not participated in the vote.

36. Mr. YASSIN (Sudan) said that his delegation had not participated in the vote in the interests of consensus. It had not, however, agreed or consented to the action that had been taken.

37. Mr. HUDYMA (Ukraine) said that it was open to all to request the inclusion of an item in the agenda. Although capital punishment existed in his country, he supported the position expressed by the representative of Italy and hoped that a discussion of the matter might enable his country to draw helpful conclusions.

38. Ms. CHEN Wangxia (China) said that her country had abstained because capital punishment was a complex legal question. It was on the statute book of various countries, in accordance with their legal systems, and would therefore have been most appropriately allocated to the Sixth Committee.

39. The CHAIRMAN said that the report of the General Committee on action taken at the meeting would be considered by the General Assembly.

The meeting rose at 7 p.m.

UNITED NATIONS

General Assembly

FORTY-NINTH SESSION

Official Records

GENERAL COMMITTEE
7th meeting
held on
Friday, 18 November 1994
at 9.30 a.m.
New York

SUMMARY RECORD OF THE 7th MEETING

Chairman: Mr. ABDELLAH
(Vice-President of the General Assembly)

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In the absence of Mr. Essy (President of the General Assembly), Mr. Abdellah (Vice-President of the General Assembly) took the Chair.

The meeting was called to order at 9.45 a.m.

ADOPTION OF THE AGENDA OF THE FORTY-NINTH REGULAR SESSION OF THE GENERAL ASSEMBLY AND ALLOCATION OF ITEMS (continued)

Request for the inclusion of an additional item submitted by various countries (A/49/236)

1. The CHAIRMAN invited the Committee to consider a request for the inclusion of an additional item entitled "Support by the United Nations system for the efforts of Governments to promote or consolidate new or restored democracies".

2. Mr. VILCHEZ ASHER (Nicaragua), speaking also on behalf of Argentina, Azerbaijan, Belarus, Belize, Benin, Bolivia, Bosnia and Herzegovina, Brazil, Colombia, Congo, Costa Rica, Dominican Republic, Ecuador, El Salvador, Estonia, Grenada, Guatemala, Honduras, India, Israel, Kazakhstan, Kyrgyzstan, Latvia, Mali, Namibia, Nepal, Pakistan, Panama, Paraguay, Philippines, Poland, Romania, Suriname, Ukraine and Uruguay, introduced the request contained in document A/49/236, consisting of an explanatory memorandum and a draft resolution. The request was being submitted in accordance with the Plan of Action adopted by the Second International Conference of New or Restored Democracies, held at Managua from 4 to 6 July 1994. The 74 States attending the Conference had reaffirmed the importance and effectiveness of democracy and considered the governability of new or restored democracies in the new international context. While the international community had come to recognize the difficulties created by the pace, magnitude and complexity of democratization, it was not prepared to deal with the temporarily destabilizing consequences of such sudden change. The new international political climate and encouraging new trends within the United Nations made the time ripe for a study of that problem.

3. It was to be hoped that specific recommendations would be adopted on helping new or restored democracies to preserve and consolidate their achievements and, at the same time, to evaluate them with a view to establishing an international framework for the strengthening of democratization processes. Such opportunities were fragile by nature; if they were not seized immediately, they might be overtaken by negative forces.

4. Democracy was the most reliable form of government and the cornerstone of stability in the modern world. Its future, however, was far from secure. The political, economic and social support structures of most new or restored democracies were weak and many were still haunted by the spectre of war and despair.

5. Democracy was one of the basic ideals espoused by the United Nations and its establishment had become one of the major challenges confronting the

international community. The increase in the number of States Members of the United Nations was irrefutable proof of the democratization of international relations. By focusing its attention on the strengthening of new or restored democracies, the international community would infuse dynamism into the democratization process and contribute to the maintenance of international peace and security.

6. The Committee decided to recommend that the General Assembly should include the additional item in the agenda.

7. The Committee decided to recommend to the General Assembly that the item should be considered directly in plenary meeting.

The meeting rose at 9.55 a.m.